

Peddling Power

By E.M. Dutton

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"The greatest historical heresy that a writer can commit in the eyes of many English readers is to tell them the truth."

—Frazer Tytler

Peddling Power
Elizabethan / Jacobean Plots & Plotters



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Author of several investigative books that deal with the Elizabethan & Jacobean period.

Dedicated to those who suffer under power

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ACKNOWLEDGMENTS

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Material collected is from authentic and highly regarded sources; reprints have been quoted with sources indicated, and a wide variety of references are listed. Reasonable efforts have been made to collect reliable data, and the original Elizabethan spelling has been maintained throughout when original manuscripts are quoted.

¹ [<http://www.imdb.com/title/tt1153094/fullcredits>]

² [www.archive.org]

INTRODUCTION

“The greatest historical heresy that a writer can commit in the eyes of many English readers is to tell them the truth,” historian Frazer Tytler had noted; others say always leave a story better than you found it. A most logical statement for this work, which deals more in factual events than stories and/or conspiracies, would be when a thing is asserted as a fact, always ask who first reported it, and what means he had of knowing the truth.³

It is never easy to set down actual accounts of the network of spies that webbed plots for the sake of their beliefs or for the security of a country. This is especially true for the Elizabethan and Jacobean times. Neither is it easy to portray the plotters when among them are the high officials and Monarchs of those nations. Much ink has already been spilled over these times by past historians. It can be said, however, that many have only painted the portraits of Elizabeth and James, either with rainbow brushes or black and white bristles, in accordance to the readers of their times or maybe because the official stories being published were so believable, that whatever else a historian had to say, was easily wiped of the power of truth.

It is fact that from the time Elizabeth was born in 1533, to the time James died in 1625, men stepped into some position of office that forced them to retire from general society; they confined themselves to a limited circle, no longer acknowledging the free observations of their acquaintances or looking at objects at first hand, but as through a secondary telescope. A personal collision with mankind ceased for them as they turned implicitly to their secretaries and clerks. And so a multitude of mistakes began to accumulate, being the frequent cause why men, who had been very good politicians out of office, had made so sorry a figure in office.⁴ Furthermore, “it was as necessary that treason should exist, as that the nation should be preserved,” Lord Burghley⁵ had said, and how men could do nothing if a plot did not exist; plots were even organized for as long as two years, which shall have no other importance but to dine with the squire of a neighbouring parish. If treason originated from the cuffs of a

³ James Spedding (*b.*1808–*d.*1881), English author, chiefly known as the editor of the *Works* of Francis Bacon.

⁴ Charles Bucke, *The Book of Human Character*, (London, 1837), Vol. II.

⁵ (*b.*1520–*d.*1598)

Sovereign, or from the dirty doublet of a citizen, was of no concern as long as peddling power was coming from the wheels of the officials.

It was such concepts of life that made all cunning persons superficial ones: There was never one exception, though there were short cuts taken, as for example when Henry VIII had declared Princess Elizabeth illegitimate, then passed an Act to the two Houses to that effect. When that Princess came to the throne, it was taken into consideration to repeal that Act, but “No!” said Sir Nicholas Bacon, “the crown takes away all defects. Such is the old law and we will act upon it. It is wise to close a festered wound.”⁶ According to Bacon’s maxim, whoever acquired a crown, no matter by what means, had a right to it.

Under the Welsh Tudor Sovereigns, the doctrine of the penal effects of attainder was elaborated to such an extent that when sentence was passed on a felon, his blood was considered impure, or of “corrupt blood” as it was termed; this was apparently based in part on a false derivation of the word “attainder” and resulted with the felon’s kindred not being able to inherit anything: All was transferred to the crown that reaped the profit.

The House of Scottish Stuarts began to reap the profit in simple way. Before King James had been three months in England, he had bestowed the Knighthood to seven hundred individuals. A general summons stated all persons possessing £40 a year in land should either accept this title or combine with the King’s Commissioners. In all one hundred and eleven Peerages created throughout the Jacobean Reign, about seven times as many more than what was bestowed in the Elizabethan Reign. In this way, James managed to fill his coffers and dishonoured the title of Knighthood that had been considered a special mark termed “Royal Favour.” His sneaky act was the germ from which there afterwards sprang the system of the crown selling State Offices to the highest bidder, the disposal of peerages and baronetcies for hard cash.⁷ But this was only one of the King’s Craft as it was termed; other machinations are in the following chapters.

⁶ (b.1510–d.1579) Father of Sir Francis Bacon. A high official in the government of Queen Elizabeth I. He was admitted to the Bar in 1533, made Attorney of the Court of Wards and Liveries in 1546. Despite his Protestant sympathies, he retained his office during the Reign of the Roman Catholic Queen Mary I (b.1553–d.1558). Upon the accession of Elizabeth, he was made Lord Keeper of the Great Seal, in which capacity in January 1559 he began to exercise the full judicial authority of Lord Chancellor.

⁷ Alfred Dodd, *Francis Bacon’s Personal Life Story*, (London, 1986), Vol. II.

Chapter 1. Torture & the official council book of torture cases: The chapter deals on the origins of torture, from the Athenians and Rhodians up to the sixteenth and seventeenth centuries. Thereafter research of important torture cases are described as recorded in the council book of each reign, from King Edward VI to King James I. Furthermore, cases that have either been ignored or have bewildered are followed through.

Chapter 2. Notorious torturers and their dwellings: The chapter offers the reader an opportunity to meet the actual persons who were enforced to inflict torture, at official areas and also at their personal secret dwellings.

Chapter 3. In this chapter is described the tools and techniques enforced under torture.

Chapter 4. A great reckoning in a little room (1593): The chapter deals with a very important Elizabethan spy, Christopher Marlowe. The material investigated, when combined with the accounts throughout the book, will assist the reader to comprehend why the life of Marlowe (or any Marlowe of those times) had to be terminated.

Chapter 5. Conspiracies and mysteries part 1: Accounts of two astonishing persons is given in this chapter that has never been investigated in full. William Parry, an agent provocateur, and how he was deliberately caught in his own lure to be sacrificed in order to aggravate the anti-Catholic; Antonio Perez, who probably was one of the most brilliant and fascinating scoundrels that ever lived.

Chapter 6. Conspiracies and mysteries part 2: The chapter investigates two plots in James's reign: The Gowrie-Ruthven plot, and the notorious gunpowder plot.

Chapter 7. Two potent cases: As the title of this chapter tells, two potent cases are presented with a new light. The mysterious poisoning of Prince Henry, and the Overbury poisoning. Both cases, though distant from each other in some four years, connect to each other in an intricate manner.

Appendices: Finally, all the material which would disrupt the flow of events in all pre-mentioned chapters, have been inserted into the Appendices area.

CHAPTER 1. TORTURE & THE OFFICIAL COUNCIL BOOK OF TORTURE CASES

“The Law is the surest sanctuary that a man can take, and the strongest fortress to protect the weakest of all.”

—*Sir Edward Coke*⁸

⁸ Burke, *Historical Portraits*, (London, 1883), Vol. IV.

A. Beginnings of torture

i. Definition of law

Of his Elements of the Civil Law According to the Pandects

By Heineccius, Tit. 18.

Of Examinations by Torture

Vol. V. Part 7

1532⁹

Nor is examination made by torture, in order to draw out confession of a crime, of which there is good cause of suspicion less to be reckoned among those things which are common to all public judgments, which although it be a frail and dangerous mean has been formerly adopted by several nations as a necessary evil; with respect to the Athenians and Rhodians at least we have the evidence of Cicero. As to the people of Germanic origin, it appeareth from the forth law of the Wisigoths. Whence flow axioms:

1. Examination by torture properly pertained to servants
2. They were to be used for drawing out the truth
3. When there were the strongest appearances of a heinous crime

As therefore examinations by torture pertained properly to servants, the reason is obvious why they might be tortured either as delinquents or witnesses; yet not against their masters, unless in crimes of treason, adultery, and some others of an atrocious nature, and why men of a lower degree formerly seemed to be of the same condition, if they were either prosecuted as criminals, or produced as witnesses. From the same axiom it appeareth why by our law noble and honourable persons: Bishops and Presbyters, Professors of Arts, Decurion, and their children to the third decree, soldiers, and their children of the first degree, are exempt from

⁹ Original spelling has been kept.

examination by torture. And as tortures are to be used only for drawing out the truth, consequently they are not to be exercised upon those from whom there is no prospect of obtaining it, as mad persons and children. Nor upon old men, or women with child, as death might be thereby occasioned; and if the judge fraudently [cruelly] command any person to be tortured to death, he is punishable by the Cornelian law *de Sicarūs*; or if he hath done it through error and ignorance he is subject to punishment extraordinary.

From the same axiom the ancients inferred that order is to be observed in torturing several persons accused, by beginning with the most suspected, or the weaker; who therefore seem easier to be overcome by pain than a criminal convict, but not having confessed, may be tortured respecting the guilt of others; that tortures may be repeated, if it appear from new supervening signs of guilt that the criminal had obstinately hardened himself under the torture.

Nor do we less hence infer that not such torments are to be used as the accuser requires but such as are legitimate; and that those are to be attempered by the judge according to the appearances of guilt in the person accused, and the atrocity of the crime, lest the mean of obtaining the truth be more grievous than the imminent punishment itself.

Lastly, as tortures take place only where there are the strongest appearances of guilt, consequently, they are not to be begun with, they are to be used only on the suspicion of a capital crime, and, in such manner as that confession alone may seem to be wanting the person accused firmly denying, or revoking the confession, and persevering therein, is to be adjudged to have cleared himself, and therefore is to be acquitted.

What you have read was the official version of a constitution created in 1532. If read carefully, it is noticeable how many unjust alleged crimes could have been sentenced by unskillful or crafty judges, to the effect of innocent people cast into prison, rashly subjected to tortures, and even with greater boldness unjustly punished. This type of judging, if one can term it, had the guilty (under long delay) step away to escape conviction.

ii. Torture defined

1. The act of causing severe physical pain as a form of punishment or as a way to force someone to do or say something 2. Something that causes mental or physical suffering: a very painful or unpleasant experience.¹⁰

Sir Edward Coke¹¹ was the greatest judge that tried criminal cases throughout both Reigns; his own opinion, regarding the use of torture, is valued when he noted torture was “against Magna Carta, Cap. 29. And accordingly all the said ancient authors are against any pain or torment to be put or inflicted upon the prisoner before attainder, nor after attainder, but according to the judgment. There is no one opinion in our books or judicial record (that we have seen and remember) for the maintenance of tortures or torments.”¹²

The Magna Carta Libertatum of 1215 (figure 1) as it was called, was not considered the Great Charter due to its bulk, because “there be many voluminous Charters commonly passed, especially in these later times, longer than this is; nor, comparatively, in respect that it is greater than Charta de Foresta, but in respect of the great importance and weightiness of the matter, as shall hereafter appear. As the gold-finer will not out of the dust, threads, or shreds of gold, let pass the least crumb, in respect of the excellency of the metal; so ought not the learned reader to let pass any syllable of this law in respect of the excellency of the matter.”¹³ Coke concludes for us.

Discovering the importance of the Magna Carta, it was too often treated as the outcome of accidental causes, because its sources were traced no deeper than the personal tyrannies and blunders of King John. That Monarch’s misdeed is believed to have sparked the action of a widespread opposition that never rested until success was achieved; the outcome of this success was the Great Charter of Liberties. Historians tell us, if that Monarch had never lived and sinned, the foundations of English freedom would never have been laid. Indeed there is

¹⁰ Merriam-Webster Dictionary.

¹¹ (b.1552–d.1634)

¹² 2nd Chapter of his 3rd Institute.

¹³ Found in Thomson Richard’s *An Historical Essay on the Magna Charta of King John*, (1829).

abundant testimony of that King's cruelty;¹⁴ however, the causes from which the Magna Carta took its rise, were more deeply rooted in the past as has been believed.

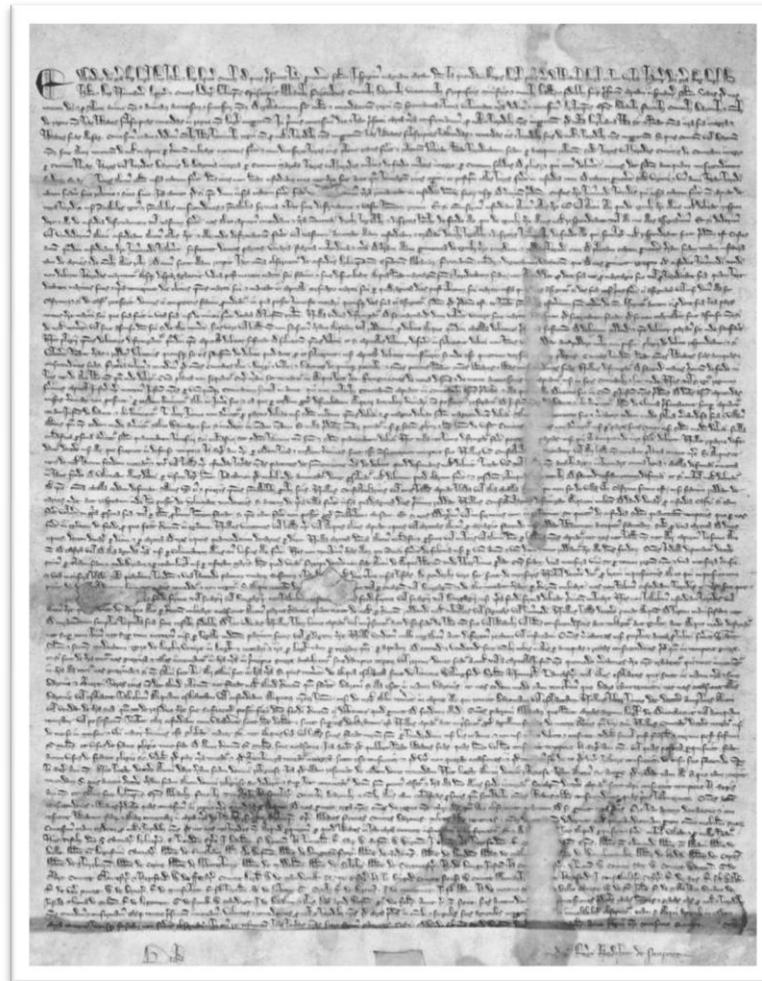


Figure 1: Magna Carta Libertatum (1215)

It can be said that from the day of Henry Plantagenet's death, if not earlier, forces were at work which only required to be combined in order to control the license of the crown. When the battle of order had been won, the complete overthrow of the rebellion of 1173 may here be the crucial date the battle of liberty had, almost necessarily, begun. All things were ripe for rebellion, and even for a united rebellion; an opportunity only was required. Such an

¹⁴ See Davis's *England Under Normans*, (p. 363) of the harrowing account how King John starved to death Matilda de Braose and her son.

opportunity came in a tempting form in 1214 when the King had then lost prestige and power by his failure in the wars with France. He had lost the friendship of the English church and his unpopularity had been thoroughly demonstrated.

The traditional view makes the Magna Carta the direct descendant of Henry Beauclerk's Coronation Charter, which is in turn regarded as merely an amplification of the old Coronation Oath sworn by the Conqueror and his sons in terms borrowed from a long line of Anglo-Saxon Kings, stretching back from Edward (Confessor to Edgar, Alfred and Egbert) until its origin is lost in the mists of antiquity.

iii. The statute of Westminster 1275

As an example of how lost in time these Charter are, take the Statute of Westminster that came into force in 1275; this Statute directed all who refused to take the Oath of Allegiance to be imprisoned *en le prison forte et dure*, simply meaning strict confinement. This statutory authority was liberally interpreted by the spies and their instruments, to treat it as a legal warrant for "revolting cruelties." In almost all instances, strict confinement was inflicted; food and drink were virtually denied; a little moldy bread and a mouthful of impure water only allowed upon alternate days, and no sooner was this inflicted, the prisoner was then slowly crushed to death under great weights, "as heavy, yea heavier than he can bear."

So the fiction was carefully maintained: A prisoner (or victim of State) could not be subjected to torture in a legal sense, since this was always illegal according to the Common law, instead, they were merely put in close confinement, without food or drink, and then slowly crushed to death. This kind of torture was a perfectly legal act of statutory authority coming from 1275, and was not abolished until 1772.

It was only under the Welsh Tudor Sovereign that the doctrine of the penal effects of attainder was elaborated to such an extent that when sentence was passed on a felon, his blood was considered impure, or of "corrupt blood" as it was termed, which was apparently based in part on a false derivation of the word "attainder." This resulted with the felon's kindred not

being able to inherit anything, and all was transferred to the crown that reaped the profit.¹⁵ When the House of Scottish Stuarts took power, they added a more ingenious yet simple method to reap the profit: Before King James had been three months in England, he had bestowed the Knighthood to seven hundred individuals. A general summons stated all persons possessing £40 a year in land should either accept this title or combine with the King's Commissioners. In total, James created in England three Dukedoms, one Marquisate, thirty-two Earldoms, nineteen Viscounties, and fifty-six Baronies (including three by Writ), in all one hundred and eleven Peerages, which was about seven times as many in a Reign of twenty-two years as his predecessor had created. By this measure, James filled his coffers and dishonoured the title of Knighthood that had been considered a special mark termed "Royal Favour." His act was the germ from which there afterwards sprang the system of the crown selling State Offices to the highest bidder, and the disposal of peerages and baronetcies for hard cash.¹⁶ This germ can be witnessed adequately in the system and operation of the Chancery Court in the late sixteenth century.

iv. Side effects of a germ

The Chancery Court had become independent of the Privy Council, and the Lord Chancellor was its judge. There had been from early times twelve Masters in Chancery who at this date issued writs of grace, and assisted the Chancellor in the hearing of causes and interlocutory motions. This assistance was necessary in the case of unprofessional Chancellors such as Sir Christopher Hatton, who was appointed in 1589. Much work then was delegated to the Masters, the taking of accounts and more serious matters. These Masters were paid, not by salary, but by fees, and were appointed at a price by the Lord Chancellor. Nominally the crown appointed the Chief of the Masters, who was known as the Master of the Rolls; but in practice this office was largely in the gift of the Chancellor. The fact that in the Reigns of Elizabeth and

¹⁵ Thomas Birch, *The Court and Times of James the First*, (London, 1848), Vol. I: "Sir Edward Hoby, writing to Sir Thomas Edmondes on November 19, 1605, stated: 'Upon the death of the Earl of Cumberland, Grafton and the parks were bestowed upon the Duke of Lennox. I understand that upon composition of all parties, Holmby House is now the Duke of York's, and my Lord Compton the keeping of it.'"

¹⁶ Alfred Dodd, *Francis Bacon's Personal Life Story*, (London, 1986), Vol. II.

James, these offices were deliberately priced does not perhaps necessarily prove that the officials were corrupt, for the sale appears to have been quite open. But it is beyond doubt that the Masters were subjected to influences that involved corruption. They had to repay themselves out of fees for the price paid, and to increase legal business was to them a necessity of life.

The Master of the Rolls had under him the notorious body known as the Six Clerks. These Clerks were nominally the solicitors of the parties in every cause, and they in fact kept the records of the causes, and they compelled suitors to have useless copies of the proceedings at huge fees. It was to their interest to encourage litigation and the multiplication of formal documents. It was necessary for the fees to be large, since each of the Six Clerks had eight sworn Clerks (which formed the body, known later, when the number in 1668 was increased to ten, as the Sixty Clerks), who were “paid a fixed percentage of the fees by suitors to the Six Clerks.”¹⁷ Before any person attained judicial office, (as Sir Francis Bacon did) the Court of Chancery was not only necessarily corrupt, but also unable to be reformed. The fees were excessive, and the officials who received them were the most determined opponents to effective reform. These officials did their work by deputies, whom they generally underpaid. Their deputies naturally tried to recoup themselves by questionable practices. Sometimes they concealed business from their superiors and kept the fees. This way, while the actual work was badly done by underpaid deputies, the suitor paid enormous fees to sinecure officials. These officials naturally regarded their offices merely as property. They were sold by the Chancellor or given to his relations. From the Lord Chancellor, who sold the higher offices, to the under-clerk, who did the work of the higher official, all had an interest in maintaining the system.

The Court, it was said, with some truth, was “a mere monopoly to cozen [trick] the subjects of their money.” This clearly meant, there was nothing corrupt, as things were then understood, in Bacon’s scandalous offer to Sir Thomas Egerton. The Lord Keeper had something to sell and Bacon had something to buy with. The legal atmosphere where such a proposal could be made is the thing that makes one wonder, and Bacon’s conviction in 1622 did nothing to clear the atmosphere, which grew worse and worse. The price of the Mastership

¹⁷ Holdsworth’s *History of English Law*, (p. 217).

went up. In 1688 it was worth £1,000; and when Lord Macclesfield was impeached in 1725, it was worth six times that sum. If Bacon was regarded as an honest man when he made his unsavoury offer in 1597, it is difficult to see why he was other than honest in 1622. The taking of large “expedition fees” and gifts from suitors, after the conclusion of suits, was not more corrupt than the sale of judicial offices to notoriously unfit persons. It would be absurd to charge Lord Eldon with corruption, but his official life was lived in the midst of abuses which he never lifted a hand to reform. There was hardly a Chancellor from Bacon to Eldon who was not, in a Court of Conscience, as guilty as Bacon.

v. Three great central courts

The Three Great Central Courts in Tudor and Stuart times consisted of: The Courts of Requests; the High Commission; and, the Star Chamber. All were practically branched Committees of the Privy Council. In order we understand their operation, a short explanation of each office will be given.

The Court of Requests was under the auspices of the Lord Privy Seal, ever since the latter position was active since the beginning of Henry VII’s Reign. In 1525 Wolsey established it definitely at Whitehall; but even then it was the custom, as it certainly was under Elizabeth, to appoint one Master of Requests who could travel with the Sovereign, a position that came from the theory that the Masters of Requests were the judges of all petitions presented to the Monarch. The office seems to have originated in France, where they were the recognized receivers of petitions. Philip de Commines (historian) says that when the Pisans petitioned Charles VIII to grant them their liberty in 1494, the request came to the King through the Master of the Requests.

The High Commission was an extremely large Court throughout Elizabeth’s Reign; for the commissions, which were periodically assigned, were addressed sometimes to as many as seventy individuals, though the first two, dated 1559 and 1562, only nominated a much smaller body. Among these nominees were several Privy Councilors, several of the Judges of the Councilor Courts such as the Masters of Requests, the Judges of the Admiralty, and the Master of the Wards, and several bishops and other ecclesiastics.

The Star Chamber was so named for a chamber in Westminster Palace. This Court dealt with, among other things, violations of the royal prerogative and issues for which there was no applicable law. It dates from before the Tudor period, but Henry VII strengthened its powers. It had public hearings but no jury. It was typically speedier than the Common Courts, so people would petition to hear their cases heard there.

vi. Fine and confiscations

It seems fair to mention how those earlier years were clouded with fines and confiscations of property; these penalties appealed most to the prudence of Queen Elizabeth, and best fitted in with the purposes of the government to avoid placing excessive burdens upon loyal Catholics. The fine of 1s. for absence from church brought in little money, and contributed practically nothing toward the expense of supervision. So in the early 1580's, when Catholic activity became alarming, Sir Francis Walsingham,¹⁸ who was probably England's most masterful spy, found that his vigorous efforts to cope with the danger were costing more than the sum furnished by confiscations, and the fine of 100 Marks was imposed upon those who depraved the services, and 1s. for absence from church. This resulted in an Act passing parliament in 1581, which was "to retain the Queen's Majesty's subjects in their due obedience." It endeavoured to make up the deficit with absentees from church who were fined £20 on a monthly basis and the effect of this can be read in Ambassador Mendoza's letter to King Philip II of Spain, in December 1580: "The Queen has ordered an inquiry into the incomes of the imprisoned Catholics, which cannot fail to be considerable as their number is large. It is understood that the object is to pass an Act in Parliament confiscating their property if they do not go to church. Their punishment hitherto has only been imprisonment." ¹⁹

¹⁸ (d.1590)

¹⁹ Spanish Cal, Eliz (Vol. III. no. 57. 70).

vii. Olden times

Cicero speaks of torture as an existing usage among the Athenians and Rhodians, and censures the extent to which it was carried by the laws of those communities. In the earlier history of Roman law, we find no traces of the use of torture, but it appears to have been introduced soon after the destruction of the Republic, though at first it was only employed in the case of slaves and foreigners upon charges of murder or personal violence, and was never applied to citizens. In this state, the use of torture is frequently alluded to not only by Cicero, but also by Tacitus, Quintilian, and other writers as a common practice at Rome. At a later period, torture was applied even in the case of citizens, but apparently only upon occasion of certain crimes, or for the purpose of corroborating testimony.

In France, the *Question préparatoire* was used in order to enforce confessions where strong presumptive evidence of guilt was seen, and was not thought sufficient to warrant capital punishment since it was forbidden by a decree of August 24, 1780; and in October 9, 1789, torture was formally abolished in every case throughout the French dominions. In Russia, the use of torture (in judicial tribunals) was first interrupted by a recommendation of the Empress Catharine in 1763, and its final abolition was effected by the Imperial Ukas in 1801. In the middle of the seventeenth century, the increasing prevalence in Germany of just and rational opinions respecting jurisprudence induced the abolition of torture in Prussia, Saxony, and Austria, but it continued to disgrace the administration of criminal justice throughout the German states until the eighteenth century. In Bavaria and Wurtemberg, torture was first suspended by ordinances in 1806; in the Kingdom of Hanover in 1822; and, in the Grand Duchy of Baden in 1831.

In England, though it was not expressly forbidden by any Act of Parliament, there is no instance of the application of torture subsequently to the Commonwealth. Even in the Civil law, which authorizes and directs the application of judicial torture, it is spoken of doubtfully in Scotland as a means of discovering truth: "No person accused of any capital offence or other crime in Scotland, shall be subject or liable to any torture."²⁰

²⁰ Stat. 7 Ann. c. 21. sect. 5.

viii. Effectiveness

If the use of torture produced guaranteed results, this is difficult to ascertain. In the *Digest*, it states how “evidence obtained by torture is to be received with caution; it is not always to be trusted, nor is it always to be disbelieved; it is at best but a deceitful and dangerous instrument, and very often fails to extract the truth; for many persons are gifted with such a patience or power of enduring torments, that the truth cannot by this means be pressed out from them; while in others there is such faintness of heart, that they will tell any kind of falsehood rather than undergo the torture; and thus it often happens that the latter kind of persons will, from dread of pain, tell all manner of fables, not only falsely accusing themselves, but bringing other innocent persons into suspicion and danger.”

Beccaria tells us “the result of torture, then, is a matter of calculation, and depends on the Constitution, which differs in every individual, and is in proportion to his strength and sensibility; so that to discover truth by this method is a problem, which may be better solved by a mathematician than a judge, and may be thus stated. The force of the muscles, and the sensibility of the nerves of an innocent person being given, it is required to find the degree of pain necessary to make him confess himself guilty of a given crime.”

Torture had an alarming result, according to Tacitus, who relates that when Octavia, the wife of Nero, was falsely charged by a concubine of the tyrant with adultery, her female attendants were tortured. Several of them, conquered by the severity of pain, confessed falsehood, though most of them persisted in maintaining the chastity of their mistress. And we have recorded statements in the criminal tribunals of Germany, where false confessions of crimes, upon the application of torture, often occurred. Heineccius mentions a remarkable instance of a German soldier charged with robbing his officer, and who was then tortured repeatedly in order to force him to discover what had become of the stolen property. Under torture he accused himself and others of many crimes and even of murders which had never been committed. And shortly before the Revolution in 1793, the parliament of Paris suspended two judges from their office who had ordered the execution of a man for the alleged murder of a woman, proved only by his own confession under torture; the woman being discovered alive within two years after the execution of the supposed murderer.

Many more examples can be added, yet it is clear up to this point, and it can hardly be doubted, how such periods hold many instances of torture, though the particular records of them have perished. But we have not heard how torture was seen by the officials of the time; so I offer Sir Thomas Smith's point of view on the matter. This person was considered one of the most open-minded men who adorned the Reign of Elizabeth, had been a Statesman, a philosopher, and a solicitor. He expressed a still more remarkable condemnation of torture, because of the curious accounts in his statement, and the reader is advised to remember these words, because later in this book, you shall witness an event from this same man, which totally contradicts what he said.

Torment or question, which is used by the order of the Civil law and custom of other countries, to put a malefactor to excessive pain to make him confess of himself, or of his fellows or accomplices, is not used in England. It is taken for servile. For how can he serve the Commonwealth after as a free man who hath his body so haled or tormented? And if he be not found guilty, what amends can be made him? And if he must die, what cruelty is it so to torment him before? The nature of Englishmen is to neglect death, to abide no torment; and therefore he will confess rather to have done anything, yea, to have killed his own father, than to suffer torment. For death our nation doth not so much esteem as a mere torment; in no place shall you see malefactors go more constantly, more assuredly, and with less lamentation to their death than in England. The nature of our nation is free, stout, haulty, prodigal of life and blood; but contumely, beating, servitude, and servile torment and punishment, it will not abide.²¹

In Charles I's reign, torture was still being used, and a good example of its effect can be given. When George Villiers (King James's favourite) rose out of his natural sphere with unusual rapidity, he acted with faithfulness to his master; but nature never intended him for a Statesman. He blundered on, in all the confidence of ignorance; imagined that his retention of power was an event of importance to that King. Villiers fancied that he had a genius for

²¹ *Commonwealth of England*, Book II. Chapter 27.

everything; directed naval operations; commanded military expeditions; was the demi-god of the Courtiers, who puffed him up with vanity; was humane, and warm in his attachments; promoted and enriched his relations; was of devoted loyalty, and finally died as he was about to proceed abroad in the service of his King. Villiers was only thirty-six years of age when he was murdered in a house at Portsmouth, a portion of which still exists.²²

Felton, (Villiers's assassin) appears to have planned the murder with the cool cunning which characterizes men in his frame of mind. As given by Sir Henry Wotton's account, Felton purchased a common two penny butcher's knife in a cutler's shop on Tower Hill, that was "sewed into the sheathe to the lining of his pocket, that he might, at any one moment, draw forth the blade with one hand, for he had maimed the other. At Portsmouth on Saturday August 23," Wotton continues, "he [Felton] passed without any suspicion, in such a time of so many pretenders to employment, into an inner chamber, where the Duke was at breakfast (the last of his repasts in this world) accompanied by men of quality and action. And there, a little before the Duke's rising from the table, he went and stood, expecting till he should pass through a kind of lobby, between that room and the next, where divers were attending him. Towards which passage as is conceived, somewhat darker than the chamber which he left, while the Duke came with Sir Thomas Fryer close at his arm, in the very moment as the said Knight withdrew himself from the Duke, this assassin gave him with a back blow a deep wound into his left side, leaving the knife in his body, which the Duke himself pulling out, on a sudden effusion of spirits, he sunk under the table in the next room and immediately expired."²³

Felton, when examined before the Privy Council, was calm; when threatened with the rack by the Earl of Dorset, expressed his willingness to suffer anything the King might think fit. "Yet, this, must I tell you." Felton said. "By the way, that if I be put upon the rack, I will accuse you my Lord Dorset, and none but yourself."²⁴ Taken to the Tower, having confessed that he killed Villiers, Felton's reasoning for the assassination was partly for private displeasure, and partly by reason of a "remonstrance in parliament," having also read some books which he said defended that it was lawful to kill an enemy of the Republic. So the

²² Villiers's monument is in the east end of Portsmouth Church. According to the inscription, it was erected three years after his death by his sister Susan, Countess of Denbigh.

²³ *The Ellis Correspondence*, Vol. S. p. 267. First series.

²⁴ *Reliquæ Wotton* (Edelnn 1651), 112; Bayley's *Illustrator*, p.242.

question was open for debate: Whether by law Felton might not be racked, and whether there was any law against it. “For,” said Charles I, “if it might be done by law, he would not use his prerogative in this point.” And having addressed the debate to the Lord Chief Justice, the Monarch commanded the resolutions of all the judges. On November 14, all judges (assembled at Serjeants Inn in Fleet Street), agreed on one aspect: Felton should not be tortured, “for no such punishment is known or allowed by our law.”

And yet, it is a historical fact, that anterior to the Commonwealth, torture was always used as a matter of course in all grave accusations, at the mere discretion of the Sovereign and its Privy Council; it was uncontrolled by any law besides the prerogative of that Monarch. With the strong language of the authorities, this may appear a startling proposition, and it is therefore appropriate to direct attention in detail to the evidence by which it is supported before an attempt to show how this remarkable inconsistency between legal doctrine and legal practice may be reconciled.

B. Council book of torture cases

i. Introduction to the council book

As I will now gradually take the reader through the Council Book, I must make it clear that I had some difficulty in authenticating particular instances. For example, the Council Book of Henry VIII's era, though extant of a date previously to the Reign of Edward VI, the warrants for torture are not entered. I could only understand one sufficient reason for such an omission: Before that time, the orders for torture were more frequently issued either personally by the King, or by his officers under his immediate direction. It was either this, or the Privy Council had not yet systematically undertaken the direction of this branch of the prerogative. At all events, it was not the practice to record these warrants in the minutes of the Privy Council before the middle of the sixteenth century; hence they are not entered in the Council Book.

In the Reign of Henry VIII, there is a reading in an Act of Parliament that states few offenders of a particular class would confess without pains or torture.²⁵ This surely must have meant that only a very few persons confessed without being tortured, because in the same Reign, a certain Sir William Skevington, who was a Lieutenant of the Tower, immortalized himself by the invention of a new engine of torture calling it Skevington's Irons (or Skevington's Daughters) which was known and dreaded for a century afterwards under the corrupted name of Scavenger's Daughter. Furthermore, the personal letters of eminent men of this time is witness to the most unequivocal evidence of the constant practice of torture: The Privy Council authorizing the application of torture for the purpose of compelling the disclosure of political conspiracies and crimes of various descriptions.

In order to establish the line of truth existing on the verge of Henry VIII's Act of Parliament (that states only a few suffered torture), it is necessary to trace the history of this discrepancy not only from personal letters of the time, but also from known historical events. When these sources fail, they can be shown from other authentic sources that are still extant in private documents. This is the only way that may assist us in deducing the rules and principles by which the use of this obnoxious branch of the prerogative was regulated; and with this

²⁵ 27 Hen. Vol. VIII. Chapter IV.

object through them in chronological order, endeavouring to trace the historical incidents from which they began.

ii. Edward VI (1537–1553) – council book

The warrant for those confined in the Tower had to be signed by the Sovereign, and the first warrant for the application of torture to be found in the Council Book, during the Reign of Edward VI, is dated November 5, 1551, which directs the Constable of the Tower, in a letter written to Sir Arthur Darcie, that from time to time he shall have the ordering of the Tower and the prisoners there, to be assisting certain Commissioners for putting the prisoners, or any of them, to such tortures as they shall think practical. The prisoners here alluded to, were doubtless the several persons who had been committed upon the charge of being concerned in the imputed treason of the Protector Somerset, and whose confessions or depositions formed the evidence against the Duke upon his trial, which took place a short time afterwards.



Only one other entry from the Council Book for Henry VI exists, and is dated for January 7, 1552. A letter to the Lieutenant of the Tower states “to cause one Wilson and one Warren, lately taken upon suspicion of a heinous murder, to be put to the tortures, when they or any of them shall be brought unto him for that purpose.” I have not been able to discover the result of this commission, but the next warrant with the same date relates to a crime of a private nature, directing the Lieutenant of the Tower to “cause two persons lately taken upon suspicion of a heinous murder to be put to the tortures.” These two warrants are evidently drawn for the same prisoners (Wilson and Warren).

It is not surprising that no other entries are for this Monarch’s Reign, since Edward’s Reign was a short one.

iii. Queen Mary of England (1516–1553) – council book

The Council Book then tracks down to 1555. This is the earliest recorded instance of the use of torture in the Reign of Queen Mary soon after her marriage with King Philip II of Spain. It is remarkable that I could find no evidence that torture was used towards any of the numerous persons concerned in Sir Thomas Wyatt's rebellion, which took place soon after Mary's accession to the throne.



The first entry is for June 9, 1555, in a form of a letter to Lord North and other Commissioners, that requires them to “bring such obstinate persons as will not otherwise confess to the tortures, and there to order them according to their discretions.” There seems to be no discovery to the particular occasion to which this examination refers. Bishop Burnet, who notices it, says: “Whether this pretended obstinacy was a concealing of heretics, or of the reporters of false news, does not appear.”²⁶ The former is not improbable, as the persecution of heretics was at that time hotly promoted by the Queen and her Privy Council.

In the winter of the same year, December 4, 1555, is a letter written by order of the Privy Council to the Lieutenant of the Tower, directing him to “bring Richard Mulcaster, servant to Dr Caius, vehemently suspect of robbing his master, to the rack, and to put him in fear of the torture if he would not confess.” Of the particular transaction to which this instance refers to, no trace exists either in the State Papers, or in the histories of the period. However, I did track down a Richard Mulcaster who was master of St. Paul's School, a scholar and the author of several grammatical works in the Reign of Elizabeth; but there is nothing but the similarity of name which can at all identify him as the individual mentioned in the torture warrant.

Dr Caius was for several years president of the College of Physicians, and founded the College at Cambridge. At the date of the above-mentioned warrant (December 4, 1555,) he was physician to the Queen, and, as a member of the royal household, might be entitled to

²⁶ *History of the Reformation*, Vol. III. p. 256.

claim the assistance of the prerogative in discovering the circumstances of a robbery committed against him.

Just one week later, another warrant is dated December 11, 1555, and is of a similar nature. It consists of an authority to the Lieutenant of the Tower, Serjeant Dyer (afterwards Chief Justice of the Court of Common Pleas) and the Solicitor-General, to examine a person “vehemently suspected” of robbery, and if they saw cause to “bring him to the rack, and put him to some pain if he would not confess.” On the same day a letter is issued to the same persons to bring to the rack one Hugh of Warwick, who was suspected of stealing a horse. Should these two warrants be connected to the initial warrant of Richard Mulcaster, must be relied upon assumption. If Mulcaster, under torture, confessed to his accomplice, then the theory that Mulcaster confessed against “one Hugh of Warwick” who was suspected of stealing a horse, probably belonging to Dr Caius, would explain the warrants.

Two months later, February 16, 1555, the Lieutenant of the Tower is authorized to join with Sir John Baker in examining two men “and to put them upon the torture, and pain them according to their discretions if they would not confess their offences.” What these offences were does not appear; but Burnet, who mentions this instance, seems to refer it to the proclamation against stage plays.

The next entry is for January 1556. A warrant is issued to the Lieutenant of the Tower and one of the Masters of the Requests, to put to the tortures a man called Richard Gill who was charged with having committed murder in Dorsetshire.

Six months later, July 29, 1556, Sir Roger Cholmely and Dr Marten (Masters of the Requests), are required to examine a man under the name of Silvester Taverner on a charge of having embezzled the Queen’s plate; and “for the better attaining of the truth, to put him to such tortures as by their discretions should be thought convenient.” What happened in this case is nowhere recorded, as of no further record can be found of a case a year later, July 19, 1557, directing the Constable of the Tower and other persons to “examine such as Sir Edward Warner should inform them of, and to put them to the torture if they should think so good.”

The next entry is for February 20, 1558, and entails another kind of torture technique, this time instrumented by fate, that possibly was of abundance but little mentioned. The story goes as follows: A man was hanged at St. Thomas Waverling’s. The surgeons of London, having

required his body after death for anatomy purposes, cut him down, stripped him and laid him naked in a chest, thrown onto a cart. He was brought from the place of his execution through the Borough of Southwark and city of London to the Surgeons Hall near Aldersgate. When the body was being autopsied, the man was alive. He died the following day.²⁷

Towards the date of May 13, 1558, is an entry which authorizes the Constable, together with Sir Roger Cholmely (Recorder of London); Dr Marten and a Mr. Vaughan to “bring one French to the torture, to put him in fear thereof, and also to put him to the pain of the same, if they should think so good.” What happened in this case is nowhere recorded.

In closing the pages of Queen Mary’s Council Book, Burnet, a Protestant bishop, cites expressly from the Council Books in his works and has inserted several of the above-mentioned instances of torture during the Reign of Queen Mary, referring to them as proofs of the Roman Catholic persecutions of those days, and of a premeditated design on the part of the King and Queen to introduce the Spanish Inquisition into England. In one passage he says: “The putting people not yet convicted to the torture, because they were thought obstinate and would not confess, and the leaving the degree of the torture to the discretion of those appointed for their examination, was a great step towards the most rigorous part of the proceedings of inquisitors. Arbitrary torture and secret informers seem to be two great steps made to prepare the nation for an Inquisition.”

Among the cases of Queen Mary’s Reign, which are recorded and authentic, cannot be proved that they arose from the prosecution of heretics. In some instances it may be conjectured, and we would not be wrong to agree with Bishop Burnet; but there is no direct proof of the fact. And this is peculiar, because it is obvious from the entries themselves that the majority of them referred to murders, robberies, embezzlements, and other crimes wholly unconnected with the ordinances of religious bigotry.

In Mary’s reign, the Lollard Tower and Bonner’s coal-house were the chief dwellings of barbarity. Yet there were times when even Bonner the torturer complained of his work. He grumbled with dissatisfaction how matters that were none of his had the Catholic bishops in other parts of England thrust their offenders into his hands. How the bishops had their

²⁷ Stow’s *Chronicle*, p. 409.

prisoners, whom they dared not pardon and would not themselves put to death, brought to London. It was logical that Bonner was under the eyes of the Court, and could not evade the work. If some lenience should be given to Bonner, we are not to judge, because the voice of the public rose the loudest against him for his brutality which was notorious and unquestionable. A published letter was addressed to him by a lady, in which he was called the “common cut-throat and general slaughter slave to all the bishops in England.”

iv. Queen Elizabeth I (1533–1603) – council book



One may ask why in a religious persecution were the victims indicted for treason. This could be explained away that Elizabeth (to whose Reign we now turn to), and her ministers had hardened their hearts. Those only who followed her in her revolutionary course were to be styled loyal, whilst those who were loyal in the true and unvarying sense of the word, were branded with the designation of traitors. In the long catalogue of cases involving torture, in Elizabeth’s time, one cannot fail to observe many instances were the most prominent for refinement of cruelty, unquestionably and avowedly arose from Protestant persecution.

The earliest entry of a torture warrant occurs about four months after Elizabeth’s accession to the throne, and consists of a letter to the Lieutenant of the Tower, dated March 15, 1558, requiring him to send for the Knight Marshal to assist him in examining two men named Pitt and Nicholls accused of robbing a widow in London. If the prisoners should persist in denying the fact, “they are to be brought to the rack, and to feel the smart thereof as the examiners by their discretions shall think good for the better bolting out the truth of the matter.” No other entry exists after this, until the year 1565, where a letter is written to Lord Scrope, directing him to “deal somewhat sharply with a Nicholas Heath, to the end that he should declare why he wandereth abroad; and if he will not be plain, to use some kind of torture unto him, so it be without any great bodily hurt.”

After another gap, the next entry comes for 1570, where a man named Andrews was “vehemently suspected of a very heinous murder in Somersetshire,” and is ordered to be brought to the Tower and “offered the torture of the rack.” In the same year, John Felton, a Catholic enthusiast who had placarded a copy of the Bull of Pope Pius V,²⁸ excommunicating the Queen, against the Bishop of London’s palace, was charged with certain conferences with the Spanish Ambassador, which he denied. The Commissioners who were appointed to examine this transaction, were directed by the Privy Council “to deliver him to the Lieutenant of the Tower, whereby he may be brought to the place of torture, and put in fear thereof; and if they shall perceive him still to be obstinate, then to spare not to lay him upon it, to the end he may feel such smart pains thereof as to their discretions shall be thought convenient.”

The story behind this excommunication comes during the latter part of 1569 where formal proceedings were carried on at Rome against Elizabeth. Evidence was given against her by Bishop Goldwell of St. Asaph; Bishop-Elect of Bangor Maurice Clenock; Dr Nicholas Morton, who was the pre-Bendery of York, and a number of other ecclesiastics. The result was a sentence of excommunication and deposition was pronounced against her by the holy Pontiff St. Pius V, which was published in a Bull, dated February 25, 1569. This Bull was found fastened to the gates of the Bishop of London’s palace beside St. Paul’s Cathedral. There for several hours it was seen and read and even copied by a great many.

Vigorous steps were taken at once to arrest the perpetrators. A general search of known Catholic houses in and near London was soon rewarded by the discovery of a copy of the Bull in the chambers of a solicitor in Lincoln’s Inn, a well-known Catholic. The owner was absent at the time, but others were soon arrested, racked without any tedious forms of law, and one in particular, William Mellowes, under pain confessed that he had received a copy of the Bull from his friend John Felton.²⁹ This was no other than John Felton who was a well-known and wealthy Catholic from a Norfolk family, and lived at Bermondsey Abbey, near Southwark, in a mansion built a generation before on the site and out of the materials of a great Cluniac monastery. His wife had been the playmate of the Queen, when they were both children, and afterwards a maid-of-honour to Queen Mary. In his time, Felton was described as a man of

²⁸ (b.1504–d.1572)

²⁹ Spanish Calendar from 1568 to 1579; Don Antonio de Guaras, a Spanish spy, writing in June 17, 1570.

short stature, dark complexion and “an ardent excitable temperament, stirred chiefly, as friend and foe alike declare, by whatever touched the interests of religion.” Felton was arrested some months later and remained a prisoner three months. The Council Order, noting that William Mellowes had confessed against John Felton follows.

A letter to Sir Thomas Wroth and others
Her Majesty’s Commissioners for the examination of the Bull
June 25, 1570

Where by their letters it appeareth that John Felton being charged by William Mellowes both for the having of the printed Bull and speech also with the Spanish Ambassador he [Felton] utterly denieth it and will in no wise confess the truth. For the bolting out of the truth thereof their Lordships think it convenient that he be delivered to the Lieutenant of the Tower,³⁰ whereby he may be brought to the place of torture and so put in fear thereof. And if they shall perceive him to be obstinate and will in no wise confess that which is to be demanded of him, that then to spare not to lay him upon it, to the end he may feel such smart pains thereof as to their discretion shall be thought convenient.³¹

From the records of Felton’s trial, which is still preserved, the chief clauses in the indictment are that he conspired on May 17, 1570, with one Cornelius, an Irish cleric, and “about eleven o’clock at night, he affixed to the gate of the Bishop of London’s Palace a copy, printed on paper, of a Bull of Pius V, Bishop of Rome, which Bull contained the impious and most wicked declaratory sentence, in which he assumes and usurps power and authority within this Kingdom of England, and declares that the Queen has been lawfully deprived, and further, on June 27, by a writing signed with his own hand, he affirmed all the matters contained in the

³⁰ From this it appears that at first Felton was confined in some other prison, probably Newgate, as it was there he was taken after his trial.

³¹ Yet Dixon says that the story of his racking “seems improbable. Felton owned the fact, then why should he have been put on the rack to extort a further confession?” It is strange that the historian should have overlooked this letter. Vol. VI. p. 273.

Bull, and declared the Queen ought not to be Queen of England. Friday, August 4, at Guildhall, Felton pleaded Not Guilty. Verdict: Guilty. Sentence as usual in cases of high treason.”³²

If Cornelius, the Irish cleric, was arrested does not appear, but Felton’s trial took place on Friday, August 4, 1570, at the Guildhall and the day and the hour of the execution were unusual ones for fear of the people.³³ On the scaffold were arrayed all the instruments of the butchery that was to be done: The grim gallows, the fire into which his bowels were to be cast before his eyes, the butcher’s knife that was to do its cruel work upon his body, the cauldron in which his limbs were to be half-boiled, and the quartering-block. It has been said by historians how Felton took from his fingers a precious diamond which he was accustomed to wear, valued at £400, and gave it to the Earl of Sussex who was present, to deliver to the Queen. After the execution, Felton’s property, chiefly in plate and jewels of the value of £33,000 was confiscated by the crown.³⁴

A Catholic layman, Thomas Sherwood, had been committed by the Ecclesiastical Commissioners for hearing a Mass, and upon being examined, had confessed his belief in doctrines which were considered to imply that the Queen, being a heretic, had no title to the crown, and consequently this amounted to high treason. On November 17, 1577, the Attorney-General is directed to examine Sherwood for the purpose of drawing from him the names of other persons who entertained similar doctrines, and to ascertain from whom he had derived the arguments contained in his former confession. Orders are given to the Lieutenant of the Tower to place the prisoner in the “dungeon among the rats,” if he does not answer willingly.

This dungeon is often mentioned by the Catholic annalists of Elizabeth’s persecution, and described as a cell below high-water mark and totally dark; and as the tide flowed, innumerable rats, which infest the muddy banks of the Thames, were driven through the orifices of the walls into the dungeon. The alarm excited by the eruption of these creatures in the dark was the least part of the torture which the unfortunate captives had to undergo; instances are related which humanity would gladly believe to be the exaggerations of Catholic partisans, where the flesh has been torn from the arms and legs of prisoners during sleep by the well-known voracity of

³² Fourth Report of the Deputy Keeper of the Rolls (1843), p. 265.

³³ *Spanish Calendar*, p. 267. Antonio de Guaras.

³⁴ For today’s equivalent of Elizabethan currency, multiply by one hundred.

these rodents. Sherwood's courage and constancy overcame the horrors of this dungeon; and, continuing his resolution, a warrant was issued from the Board on December 4, 1577, authorizing the Lieutenant, the Attorney and Solicitor-General, and the Recorder "to assay him at the rack." This also appears to have failed, for Sherwood made no discoveries of importance, and within a few days he was sent to Somersetshire, where his offence had been committed, and there he was executed.

In the following year, by a warrant dated November 4, 1578, a person named Harding could by "no mild course" be brought to confess the truth; the Lieutenant of the Tower and the Recorder of London are directed to bring him to the rack "to prove whether he would discover any further matter." By the same warrant to the same officials they are required to put a John Sanford to the rack "by means thereof to wrest from him the truth of such things as he was suspected to be privy unto." There is no trace in contemporary history of the transactions to which these instances refer, or if they were connected.

The next instance in chronological order vary from the common form by omitting to prescribe specifically any of the usual modes of torture, but leaving the selection of the instrument to the discretion of the parties who are to execute the warrant, with a general limitation as to the extent of the pain and injury to be inflicted. To such orders was the warrant dated December 9, 1580: The house of Sir Drew Drury had been robbed "with the privy of one Humfrey, a boy dwelling in the house;" he had refused to discover his accomplices, so orders were given "that by some slight kind of torture, such as may not touch the loss of any limb, as by whipping, the knowledge of the persons and the manner of the robbery may be wrung from him." The result of this case is unknown.

On December 24, 1580, a warrant is issued directing Harte, Bosgrave, and Pascall, described as "persons lately arrested within the Realm from Rome and other places beyond the seas, with intent to pervert and seduce her Majesty's subjects, they were to be brought to the torture." All were seminary priests. Pascall is said to have recanted, but Bosgrave and Harte were some time afterwards tried and executed with Campion.

The next recorded case is that of an Irishman called Thomas Myagh, who was brought over by the command of the Lord Deputy of Ireland to be examined respecting a treasonable correspondence with the rebels in arms in that country. The first warrant for the torture of this

man was probably under a signed manual, since there is no entry of it in the Council Register. The two reports made by the Lieutenant of the Tower and Dr Hammond (Court physician) to Walsingham, respecting their execution of this warrant, are however, to be seen at the State Paper Office. The first of these, which is dated March 10, 1580, states that they had twice examined Myagh, but had not put him in Skevington's irons because they had been ordered to examine him under secrecy: "Which in that sort they could not do, that manner of dealing requiring the presence and aid of one of the jailors all the time that he should be in those irons," and also because they "found the man so resolute, as in their opinions little would be wrung out of him but by some sharper torture."

The second report in reference to Myagh, is dated March 17, 1580, and merely states that officials had again examined him, and could get nothing from him: "Notwithstanding that they had made trial of him by the torture of Skevington's irons, and with much sharpness as was in their judgment for the man and his cause convenient." How often Myagh was tortured does not appear, but Skevington's irons appear to have been too mild a torture, for on July 30, 1581, there is an entry in the Council Book of an authority to the Lieutenant of the Tower and Thomas Norton ³⁵ the notorious rack-master, to deal with Myagh on "the rack in such sort as they should see cause." There is no later record of Myagh's imprisonment, or what the result was of his imprisonment.

A well-known instance of torture placed on another seminary priest was that of Alexander Briant. ³⁶ The warrant for his arrest is dated May 3, 1581, and is directed to the Lieutenant of the Tower, Hammond and torturer Thomas Norton: "After reciting that there hath been of late apprehended, among others, a certain seminary priest or Jesuit naming himself Briant, about whom there was taken divers books and writings carrying matter of high treason." The warrant further directs them to examine Briant and inflict torture if he does not confess. In addition to the ordinary torture discussed up to this point, Briant is said to have been "specially punished for two whole days and nights by famine, by which he was reduced to such extremities that he ate the clay out of the walls of his prison, and drank the droppings of the roof." This description was written by Anthony à Wood, the antiquarian, and is known to have been

³⁵ (b.1532-d.1584)

³⁶ (b.1556-d.1582)

executed in this particular case due to the admittance of it in a document attributed to Burghley which was published in Somers's *Tracts*: "The prisoner had refused to write when required to do so by the persons who examined him; upon which he was told that he should have no food until he had written to the Lieutenant for that purpose." About the same time, an instance of what may be called "irregular torture" occurs in a warrant to the Bishop of Chester dated June 22, 1581, directing him to cause a young maiden, who had "put into writing certain feigned visions, and scattered them abroad among the popish and ignorant people in his diocese," to be "secretly whipped."

Campion, who we mentioned above, was apprehended in Berkshire with three other priests on July 30, 1581. There is a warrant to the Lieutenant of the Tower (Hammond) and two of the clerks of the Council to examine him: "In case he continues willfully to deny the truth, to deal with him by the rack." These officials are also required (by the same warrant) to examine two other priests not named "if they find them to halt, then to put them in fear of the torture." On August 14, 1582, there is another warrant for the examination of Campion, and two other priests, this time named as Peters and Forde, to discover what Mass they had said, whom they had confessed to, and where Parsons³⁷ and other seminary priests were, and to put them in fear of the torture if they refused to answer directly. In the same warrant there is a direction to "proceed to the torture with a priest named Paine, and to examine him thereupon."

On October 29, 1581, a few days before Campion's trial, there is an authority from the Council to examine him again, and also Ford and other prisoners and to put them to the rack. In a paper published in Somers's *Tracts*, written by Burghley, in justification of the severities at this time practiced by the government against the Catholics, it is said, by way of palliation respecting the use of the rack, that "Campion the Jesuit was never so racked, but that he was presently able to walk and write, and that there was perpetual care had, and the Queen's servants, the warders whose office and act it was to handle the rack, ever by those that attended the examinations, specially charged to use it in as charitable manner as such a thing might be." However, Father More, in his *History of the Jesuits*, says that when Campion was called upon to hold up his hand at his arraignment, according to the usual form, "the joints and muscles of

³⁷ (b.1546–d.1610)

his arm were so injured by the rack that he was wholly incapable of doing so, and that one of the priests who stood near him raised it for him.”

The persecutors, who had so narrowly missed capturing Parsons in 1581, and who were tolerably sure their captured Alexander Briant could tell them his whereabouts, were determined to stick at nothing to extract information from the latter. Strict orders were given to the gaolers that he should see nobody; if any person came to see him, they should at once be arrested. He was to be entirely deprived of food and drink as mentioned earlier. I give a further note on Burghley’s confession of this manner of torture, which comes from his tract, entitled: *A Declaration of the favourable dealing of her Majesty’s Commissioners*: “A horrible matter is made of the starving of one Alexander Briant, how he should eat clay out of the walls, gathered water to drink out of the droppings of houses. He suffered it willfully of extreme impudent obstinacy.” And this was because Briant would not write, no doubt for fear his writing would be the means of compromising others; and Burghley throws the blame on Briant for “persisting so in his curst heart by almost two days and two nights.” Hallam (historian) says of this tract: “Those who revere the memory of Lord Burghley must blush for this pitiful apology.”³⁸ Many more accounts of Briant’s torture are still extant, and it does not appear that any other martyr except Briant was tortured by needles “thrust under his nails;” however, such punishment was also applied to witches.

After Briant’s examination, he was thrown into the pit, which Hart the historian describes in the preface to his *Diary* as “a subterraneous cave, twenty feet deep, without light.” Briant remained in the pit eight days and was then taken to the rack-chamber again. Here, says Hart in his *Briefe Historie* “he was, even to the disjointing of his body, bent and torn upon the rack, because he would not confess where Father Parsons was, where the print was, and what books he had sold, and so was returned to his lodgings for the time. Yet the next day following, notwithstanding the great distemperature and soreness of his whole body, his senses being dead and his blood congealed (for this is the effect of racking), he was brought to the torture again, and there stretched with greater severity than before; insomuch that supposing with himself they would pluck him in pieces, he put on the armour of patience, resolving to die rather than

³⁸ *Constitutional History*, Vol. I. p. 148.

to hurt any creature living. He swooned away, so that they were fain to sprinkle cold water on his face to revive him again, yet they released no part of his pain. When they saw he was nothing moved, they willed he should be taken from the torment, and sent him again to Walesboure; where, not able to move hand or foot or any part of his body, he lay in his clothes fifteen days together, without bedding, in great pain and anguish.”

Walesboure, which Hart mentions, was a dungeon, the locality of which is uncertain, perhaps in the now destroyed Coleharbour Tower, perhaps under the White Tower at the Tower of London, which is prohibited to the public.

A warrant dated April 29, 1582, directs the Lieutenant of the Tower, and other persons named, to examine Thomas Alfield, a seminary priest “who, it was suggested, was able to discover many matters touching the practices and proceedings of Jesuits and seminary priests within the Realm; and if he should not willingly discover such matters, the Commissioners were charged to put him to the rack and by torture thereof draw from him things as he should be able to say.”

On April 17, 1586, there is a warrant authorizing the Lieutenant of the Tower and others to put to the rack one William Wakeman (or Oavys) who was a notorious felon, “thereby to make him to confess such misdemeanours and robberies as he is to be charged withal, and is privy unto others.” And one month later, May 13, 1587, there is another warrant to examine by torture the same prisoner including two others named Beaumond and Pudsey, for the discovery of certain felonies. It is not clear what happened to these prisoners.

On December 23, 1586, the Lieutenant of the Tower and several other persons, among who are the Attorney-General Popham and the Solicitor-General Egerton, are to examine ten individuals whose names are given in a schedule upon a charge of treason and “to put them to the torture of the rack in such sort as to their discretions and due considerations should seem convenient.” The particular transaction to which this wholesale examination refers is unknown; but as the names of several Catholic priests and some other adherents of the Scottish Queen appear in the schedule, and as the date of this warrant falls in the interval between that Queen’s trial and execution, it is highly probable that the treasons of which they were accused were connected with the intrigues of the Babington Conspiracy.

The Scottish Queen had noted how “spies are men of doubtful credit who make a show of one thing and speak another.” This certainly could have been said about Thomas Phelippes. While he busily engaged in his work on May 3, 1586, he receives a letter from Walsingham to tell him how “the Queen has signed his bill for a pension of 100 Marks, and takes his services in good part.”³⁹ Hardly less significant is Paulet’s promise to Walsingham a month later: “Will let him [Phelippes] know if he hears of anything of Lord Paget’s meet for him.” Elizabeth had promised to be “otherwise good to him” meaning Phelippes, as we see what the expression meant, when we examine this man’s subsequent career during her Reign.

Phelippes was appointed Customer Collector of Petty Customs of the Port of London in which office he had for a colleague Justice Richard Young, whose name the Catholics of that time were so well acquainted with, since Young at a later date was in charge of the torture chambers where Topcliffe dwelled. It will hardly be credited by those who know how extremely needy Elizabeth was with cash, that Phelippes contracted within the duration of two years, some debt to the crown of the sum of £11,683.6s. 6d. This resulted in the loss of his office, but treated with great lenience. He was liberated from prison, his annuity continued, and his land restored to him on a promise to pay his debt within eighteen months. He did not pay it in full; he seems to have dictated his own terms, for the draft of the warrant of the Exchequer was drawn up by him.⁴⁰ He was given a slap on the wrists.

On the accession of King James, Phelippes had other terms to look for from the son of the Queen of Scots, whose death was brought about the latter’s doings. In his apology (May 1603), for meddling in the affairs of the Queen of Scots, he falsely declares that the only part he took was deciphering for the government letters relating to the Babington Conspiracy.⁴¹ In January 1604, there is a packet of letters, pretended to have been intercepted, and endorsed in Robert Cecil’s hand, “letters written by Phelippes, and suggested by him to be counterfeited.”⁴² The fact was that Phelippes spent his entire life in counterfeiting, and after Walsingham’s death in 1590, the former seems to have carried on the old trade that he might get possession of Catholic secrets to sell. As the author Green points out, in her Preface to one of the volumes of

³⁹ Halliwell: “Mark: A coin worth 13s. 4d.”

⁴⁰ Dom. Eliz., Vol. cclxxv, n. 78; Docquet-book, October 8 and 10, 1598.

⁴¹ Dom. James I, Vol. I, n. 119.

⁴² *Ibid.*, Vol. VI, n. 37.

the Calendar of State Papers, Phelippes's position in the Custom House was favourable to the receipt and dispatch of letters.

There is a curious collection of drafted letters suggested by Phelippes to have been written by his "instruments" being Thomas Barnes and others, addressed to Charles Paget and other Catholics, who little dreamt who their correspondent really was.⁴³ Phelippes also corresponded directly with Hugh Owen, who was implicated by Guy Fawkes's confession in the gunpowder plot. When Owen was arrested on suspicion, he at once offered to carry on the correspondence with Phelippes for the purpose of betraying the secrets confided to him, at the price of his own liberty. Neither this offer, nor his protestations of innocence, saved him from the Tower. Curiously enough, Thomas Barnes reported the substance of his correspondence with Owen, and Waad who was then Lieutenant of the Tower had been sent to search through the document cabinets, when the Babington Conspiracy exploded.⁴⁴

There is no doubt how only six persons were in possession of the full secret of the Babington Conspiracy: Elizabeth and Walsingham, by whom the plot had been contrived; Gifford and the brewer, who were its instruments; Phelippes, by whom the ciphers were transcribed and read; and, Sir Amyas Paulet whom it had been found necessary to trust. The rest were mere puppets, as was Sir William Davison, who was under Secretary and had dispatched the warrant for the execution of the Scottish Queen; however, he was immediately disgraced as having put the warrant into effect without authority.⁴⁵

On March 28, Elizabeth ordered Sir William Davison to whose care she had entrusted the death warrant of the Queen of Scots, to be arraigned in the Star Chamber for "misprision and contempt." Elizabeth determined to make the public believe the execution was done against her will, and without her knowledge. Davison became her scapegoat, or as they termed it in those times, her instrument. Shortly before sentence was announced to the Scottish Queen, Davison was elevated from under Secretary to Secretary of State, but was dismissed from his office soon after the news of the execution had reached the ears of Elizabeth.

⁴³ Robert Robinson [William Sterrell] to Mr. Morice [Phelippes]. Dom. Eliz., Vol. ccxlii, n. 37: "Mr. Barnes is an honest man here, and his dealing with Phelippes, that enemy to the cause, is allowed; he but dissembles to the heretic."

⁴⁴ Dom. James I, Vol. XVII, n. 61.

⁴⁵ Osborne's *Traditional Memoirs*.

A Commission was ordered to try Davison; this Commission was composed of the Lord Chief Justice (Sir Christopher Wray); the Lord Archbishop of Canterbury; the Lord Archbishop of York; the Earl of Worcester; the Earl of Cumberland; the Earl of Lincoln; the Lord Grey; the Lord Lumley Comptroller; Sir James Croft ⁴⁶ (Master of the Rolls); Sir Gilbert Gerrard (Lord Chief Justice of the Common Pleas); Edmund Anderson (Lord Chief Baron); Sir Roger Manwood (Chancellor of the Exchequer); and, Sir Walter Mildmay. They did not hesitate to commend Davison's attitude towards the Scottish Queen; this allowed him to remain firm in his beliefs throughout the proceedings to the statements made. Each member of the Commission made a speech; the only catch was they all praised Elizabeth and reprimanded him. After the Lord Archbishop of York preached a sermon on the duty of obedience, Davison was sentence to imprisonment and a fine. He immediately wrote to Walsingham.

“The Queen after the departure of the French and Scottish Ambassadors, of her own motion commanded me to deliver her the warrant for executing the sentence against the Queen of Scots. When I had delivered it she signed it readily with her own hand: When she had so done, she commanded it to be sealed with the Great Seal of England; and in a jesting manner said, ‘Go tell all this to Walsingham, who is now sick, although I fear he will die for sorrow when he hears it.’ She added also the reasons of her deferring it so long, namely lest she might seem to have been violently or maliciously drawn thereto: Whereas in the meantime she was not ignorant how necessary it was; moreover, she blamed Paulet and Drury that they had not eased her of this care, and wished that Walsingham would feel their pulses touching this matter.”

[When Davison mentions Paulet and Drury, it was to remind Walsingham how Elizabeth had “virtually ordered to make way with their prisoner and thus relieve her of responsibility and care.” ⁴⁷]

⁴⁶ Sometimes this name is given as Sir James A-Crofts.

⁴⁷ Lloyd's *State Trials*, (London, 1899).

“The next day after it [warrant for execution] was under the Great Seal, she [Elizabeth] commanded me by Killegrew, that it should not be done: And when I informed her that it was done already she found fault with such great haste, telling me that in the judgment of some wise men, another course might be taken. I answered that that course was always best and safest which was most just. But fearing lest she should lay the fault upon me (as she had laid the putting of the Duke of Norfolk to death upon Lord Burghley), I acquainted Hatton with the whole matter, protesting that I would not plunge myself any deeper in so great a business. He presently imparted it to the Lord Burghley, and the Lord Burghley to the rest of the Council, who all consented to have the execution hastened, and every one of them vowed to bear an equal share in the blame, and sent Beale away with the warrant and letters. The third day after, when by a dream she was told of the Queen of Scots death, I perceived that she wavered in her resolution: I asked her whether she had changed her mind. She answered, No, but another course said she, might have been devised. And withal she asked me, whether I had received any answer from Paulet, whose letter when I had showed her, wherein he flatly refused to undertake that which stood not with honour and justice. She waxed angry, accused him and others (who had bound themselves by the association) of perjury and a breach of their vow, as those that had promised great matters for their Prince’s safety, but would perform nothing, yet there are, said she, who will do it for my sake. But I showed her how dishonourable and unjust a thing this would be, and withal into how great danger she would bring Paulet and Drury by it, for if she approved the fact, she would draw upon herself both danger and dishonour, not without censure of injustice; and if she disallowed it, she would utterly undo men of great desert and their whole posterity. And afterwards she gave me a light check the same day that the Queen of Scots was executed because she was not yet put to death.”

Contrasted with this letter to Walsingham, the defense Davison made for himself before the Star Chamber shows him to have been a shrewd man. If he had acted otherwise before the Commissioners, his head would have paid the penalty of his temerity. He evidently thoroughly

understood the royal lady by whose order he had been imprisoned. It is apparent he was one of the most innocent of those who were the actors in the execution of the Scottish Queen.⁴⁸

On April 24, 1587, there is a letter to the Lieutenant of the Tower and others, which informs them that one Andreas van Metter “stood charged with certain matters concerning her Majesty’s state and person, which he did obstinately refuse to confess;” the letter goes on to require them, if he should still persist in his obstinacy “to use the accustomed torture of the rack, as oftentimes as they should see cause, to force him to confess what might be had out of him, touching the said matters.” It appears from one of the periodical reports by the Lieutenant of the Tower to the Lords of the Council respecting the prisoners in his custody, dated May 1588, that “Andrew van Metter, a Dutchman, was imprisoned on suspicion of having been sent over to kill the Queen’s Majesty.” The particulars of this supposed treason do not appear in the histories of that time, or in any contemporary documents.

There is a warrant dated January 7, 1587, authorizing the Lieutenant of the Tower and two clerks of the Council, to examine “certain lewd persons, who were to be charged with disobedience, misbehaviour and practices against the State and government, and especially John Staughton and Humfrey Fulwood; and if they should show themselves obstinate and perverse, to carry them to the Tower, there to be put to the rack and torture.”

The next instance that occurs in the Council Book is a warrant dated October 25, 1591, directing Dr Fletcher, Richard Topcliffe and two other persons, to examine Eustace White, a seminary priest, and one Brian Lassy, “a distributor of letters to Papists” and if they refuse to answer directly, to put them to the “manacles and such other tortures as are used in Bridewell.” Two days after this, on October 29, 1591, there is a warrant to the Attorney and Solicitor-General (Popham and Egerton) to examine Thomas Clynton, a prisoner in the Fleet “and, if he does not deal plainly in his answers, to remove him to Bridewell, there to be put to the manacles and such torture as is there used.”

There is an interesting correspondence between Sir Francis Bacon and Thomas Phelippes (decipherer) in 1591 and add here to continue the flow of events. The exchange of letters record some intelligence which gives the addresses of ten seminaries, priests, and Jesuits who

⁴⁸ Lloyd’s *State Trials*, (London, 1899).

had come to London, probably smuggled in by a merchant, who had been rewarded £60. Furthermore, the letters describe how a man called Haywood reports that the Bull of Excommunication against Queen Elizabeth is in Bellamy's hands. And last, there is a report between them how some Italian spies are "coming in, disguised as tumblers, and that August 10 is fixed for a meeting in the Clink." This follows with the capture of one named Barnabas and another named James Bishop. Phelippes notes how he wishes to go to Anthony Bacon for information, and come to London two days before the meeting; his price is £20.⁴⁹

On June 4, 1592, there is a warrant to put Owen Edmondes, an Irishman, to the torture in Bridewell; and on February 8, three persons named Unstone, Bagshawe, and Ashel, are ordered to be removed from Gatehouse and Newgate to Bridewell, and there, in case of need, "to be punished with the torture." This latter instance was probably connected with the discovery and prosecution of Catholic priests, due to a previous entry in the Council Book that Bagshawe was the servant of one Bell, a seminary priest, and had been arrested a few days before in Derbyshire.

The next instance relates to one of those risings to drive away foreign traders, or, as it was technically called by Coke, to "expulse strangers" which had been a frequent event in London. However, since the warrant is dated April 16, 1593, and is directed to the Lord Mayor of London, this warrant could be the first to arrest those that triggered Marlowe's assassination two months later. The warrant requires Coke to examine "an apprentice whom he had apprehended as the suspected writer of a lewd and vile ticket or placard set up upon some post in London, purporting some determination and intention the apprentices should have to attempt violence on the strangers and if the Lord Mayor should find pregnant matter to argue him to be guilty of the writing of the said placard, and yet he will not by fair means be brought to utter his knowledge, that he should be punished with torture used in the like cases, and so compelled to reveal it." Then another warrant dated May 11, 1593, recites: "There have been of late divers lewd and mutinous libels set up within the city of London, among the which there is one set up upon the wall of the Dutch Churchyard that doth exceed the rest in lewdness." It then directs the persons to whom it is addressed to search for the authors of these libels, to

⁴⁹ Calendar State Papers, DS, n. 114 (July 1591).

apprehend and examine suspected persons, and to put them to the torture in Bridewell “to be used at such times and as often as they shall think fit.”

On November 12, 1595, there is a warrant to Sir Thomas Fleming (Solicitor-General) and one of the Clerks of the Council, reciting that one Gabriel Colford “brought certain seditious books from beyond the seas into the Realm, being a most lewd person, and employed for the fugitive beyond the seas in messages hither into the Realm, and also a tailor dwelling in Fleet Street, called Thomas Foulkes, in whose house Colford did lodge.” Both arrested had refused to reveal what they knew concerning matters they were accused of; the warrant therefore requires that both be put to torture in manacles at Bridewell. By a subsequent entry in the Council Book it recites Colford had been examined and put to the torture.

On January 25, 1595, a letter is sent to Sir Thomas Wilkes and the Lieutenant of the Tower (Waad) authorizing them to examine “very secretly one John Hardie, a Frenchman,” who had been caught carrying suspicious letters sewed up in his doublet. They were to put him “by the torture in Bridewell, and by the pain and terror thereof to draw him to confess.”

On the last day of February in 1595, a letter is sent to Sir Richard Martin, thanking him for the extraordinary pains he had taken in apprehending and examining a man called Humphry Hodges, who had stolen £100 and was not disclosing where he had hidden the money. He was to be “put to the manacles, thereby constraining him to deliver the whole truth.” By another entry in the Council Book it appears that Hodges had also stolen some goods from “Sir Henry Bagnall, Knight, attendant about her Majesty’s service.” There is no mention if the money was ever recovered or what happened to Hodges.

October 22, 1596, Waad writes to the Attorney and Solicitor-General (Francis Bacon) and the Recorder of London, that “according to the instructions of Council, I have sent George Pudsey to be examined, he being one of those accused by Bradshaw.”⁵⁰ I have not been able to find out more about this incident.

On November 21, 1596, there is a letter to the Recorder of London, also addressed to Topcliffe and Skevington, which states: “Certain lewd persons, to the number of eighty, gathered together, calling themselves Egyptians and wanderers through divers counties of the

⁵⁰ Calendar State Papers, DS, n. 69.

Realm.” They had been apprehended in Northamptonshire, and some of them had been brought to London and committed to prison; the warrant then directs they should be put to the manacles in Bridewell “whereby they might be constrained to utter the truth in those matters concerning their lewd behaviour that should be fit to be demanded of them.” Again, what happened of these eighty “Egyptians and wanderers” is not easy to discover.

The next instance of torture occurs in the case of James and Richard Bradshaw together with Robert Burton. The names of these persons have been celebrated throughout history. They were accused of demolishing churches, which increased the action from a mere riot to high treason. On December 19, 1596, a warrant is issued from the Board directed to the Attorney-General Coke, the Solicitor-General Sir Thomas Fleming, Francis Bacon, and the Recorder of London, authorizing them to examine these rioters: “Upon such articles as they should think meet; and for the better bolting forth of the truth of their intended plots and purposes, that they should be removed to Bridewell and put to the manacles and torture.” After the examination of the Bradshaws and Burton, the following ringleaders were to be sent to various prisons: Bartholomew Starr was to be sent to Newgate prison; James Bradshaw to the Compter in Wood Street; Richard Bradshaw to the “Clytick” or Clink, and Roger Isbell to the Fleet. Robert Burton was committed to the Gatehouse in Westminster. On February 2, 1596, a warrant is issued to Coke, Fleming, Bacon, and one of the Clerks of the Council, directing them to put to the manacles or torture of the rack one William Tompson, who was “charged to have a purpose to burn her Majesty’s ships, or to do some notable villainy, in order to force him to declare the truth.” December 1, 1597, a warrant is issued for seven persons authorizing them, or any two of them, to put to the torture of the manacles one Thomas Travers “charged with stealing a Standish of her Majesty, if he would not declare the truth.” A few days after, an old man named Richard Aunger (Double Reader of Gray’s Inn), had been missing for several weeks until his corpse was found floating in the river Thames. On being examined by surgeons, the body exhibited marks of violence, which led to a suspicion that the deceased had been strangled before dumped into the river. Witnesses were called. After some inquiry, strong presumptions appeared against the son of the victim, and toward one of the porters of Gray’s Inn. However, no sufficient evidence could be obtained to convict either of them for murder, so an application was made to the Privy Council, and a warrant was granted dated December 17,

1597, directed to the Recorder of London and four other persons, reciting the circumstances which raised a suspicion against “Richard Aunger, the son, and Edward Ingram, porter of Gray’s Inn, to be the committers of that foul murder, forasmuch as the fact was so horrible, that an ancient gentleman should be murdered in his chamber, it was thought that these two persons should be examined, and if they would not confess the truth, that they should be put to the manacles in Bridewell.” Whether the accusers confessed under torture, is nowhere recorded.

On January 4, 1598, there is a warrant to the Lieutenant of the Tower and Topcliffe to take order for the straight examination of two persons named Richard Denton and Peter Cooper, who were supposed to know of some “dangerous design against the Queen and the State, using such means of torture by the manacles, as they should find needful to make them particularize the truth.” And in this instance, no record of the result is known.

v. King James (1566–1625) – council book



It is advisable to state how the Council Book for the first twelve years of James’s Reign is missing, or destroyed. That period must therefore be drawn from evidence of the continuance of the practice from other sources.

Two original warrants from the Privy Council for applying the torture is made for one Philip May, dated April 19 and 20, 1603, before the King’s arrival in London on his accession to the throne.

These warrants are at the State Paper Office, where the first warrant directs the Lord Chief Justice Popham, the Attorney-General Coke, and the Solicitor-General Sir Thomas Fleming, to torture the prisoner on the rack.

Philip May was a servant to Lord Hunsdon who was the Lord Chamberlain, yet accused of “insolent and treasonable speeches against the person and title of the new King,” which was then termed as an offence. Philip May appears to have been repeatedly examined by Popham on April 19, without being brought to admit the particulars of a conversation which had been freely admitted by another examinant. On April 20, the date of the second warrant, May is examined again, and then “admits a part of the words imputed to him; and then, upon better

consideration,” (a term used in the examination), May confesses to the full charge; the material part of which was, that in an everyday conversation he had with a man called Prickett, he had said: “If the King was not a Papist, he would not live five years, nor five months, nor five weeks; for there were some in his bosom that would cut his throat; that a servant of Lord Scrope’s had told that the King was wise and gracious, but that noone knew of what religion he was.” The circumstances that this examination bears date the same day as the warrant, tells us that the examination was executed and signed by the same persons to whom the warrant is directed, and that the whole of it is in the handwriting of Coke. The latter had furnished convincing evidence against May, and it is the only case known where Coke personally conducted an examination by torture.

I now need to make clear that torture was used in James’s Reign, even though we have no earlier written records of most of them. Dr Robert Abbott⁵¹ a clergyman and brother to the Archbishop of Canterbury, who was chaplain to James and afterwards Bishop of Salisbury, wrote a convincing tract respecting the Jesuit Garnet and his connection with the gunpowder plot which will be dealt with in chapter 5. Abbott describes the plot as being in his time “the common course with Commissioners appointed to examine into offences of State, to make use of torture.” This means that though we may not have written records of all the tortures in the Jacobean era, it was not beyond the Commissioners to practice torture, and there are several notorious instances of torture in the subsequent part of that Monarch, as in 1611, when the King caused two of his own subjects to be burnt for heresy. The names of these two were Bartholomew Legate and Edward Wightman. “The first of these was a man of great skill in the Scriptures, and his conversation without blame. His errors were somewhat of the same kind with those attributed to Socinus; and withal he had the hardiness to say, that the Nicene and Athanasian creeds contain not a profession of the true Christian faith. James caused him to be brought to him, and attempted his conversion; but when he found that he was intractable, he dismissed him with a contemptuous speech and afterwards by the bishops being declared an incorrigible heretic, he gave orders to direct the writ *de hæretico comburendo* to the sheriffs of

⁵¹ (b.1550–d.1617)

London, and in Smithfield he was burned to ashes.”⁵² What Wightman was, or what his errors were, or what exactly his case pertained, is hard to conclude, as is with the next case.

In 1614, Edmund Peacham, whose case has become celebrated in consequence of Coke’s dispute with the King and Bacon respecting extrajudicial questions to the judges, has always been considered one of the worst acts of James’s Reign, and one of the great stains that rest on the memory of Bacon; for the King and his Attorney General to unite to put to death by any means legal or illegal an obscure clergyman strikes the logical person as so peculiar, that it is tempting to believe that there must be more in the case than the public is aware of. Yet, so far as is known, from the official version of events, is as follows.

Peacham was a Somersetshire clergyman; for some reason that does not appear his house was searched; in his study was found a sermon, which according to Coke, had never been preached, and was never intended to be preached. This sermon contained some expressions, amongst others, comparing King James to Nabal, which was termed treasonable. However, Peacham was accused much earlier than this time, around 1603, without apparently any serious result. The accusation against him then was “of uttering in a sermon seditious words against the King, and more especially against his Counselors, Bishops, and Judges.”⁵³ Probably the development of James’s policy in both church and State upon his arrival in England as King had stirred in Peacham a deep resentment, and made no concealment of it in the pulpit, even five years later in 1608, when James Montagu⁵⁴ became Peacham’s diocesan. Montagu found it necessary to advertise his resentment of Peacham’s speeches, and reprimanded him in his Consistory Court. Peacham retaliated by writing a book against the Consistory Court and circulated the manuscript privately.

Six years later, and before the parliament of 1614 was dissolved, Peacham came to London apparently to arrange for the presentation of a petition against a man called Dr James and other officials of the Ecclesiastical Courts in the diocese of Bath and Wells. When later in the year Peacham was asked to subscribe to the benevolence demanded by the King, he answered: “St. Peter gold and silver he had none, but what he had he would give, which are my

⁵² (a) William Harris, *Historical and Critical Account*, (London, 1753); (b) Fuller’s *Church History*, Cent. 17, Book X, pp. 64, 65.

⁵³ Cal. State Papers, Dom. (1603–10), p. 26.

⁵⁴ (b.1568–d.1618)

prayers for the King.” By saying these words, Peacham was arrested, by no other’s complaint but of Montagu’s by order of the Court of High Commission.

On January 18, 1614, a warrant was issued by the Privy Council to Sir Ralph Winwood (Secretary of State), Sir Julius Cæsar (Master of the Rolls), the Lieutenant of the Tower, the King’s Serjeants, and one of the Clerks of the Council. The warrant stated: “Peacham stood charged with writing a treasonable book (or pamphlet) and that it concerned the King to discover many things respecting that book and the author, wherein Peacham had not dealt clearly, and directs them to examine him strictly, and if they found him obstinate and perverse, to put him to the manacles as in their discretion they should see occasion.” We are not told the title of this pamphlet, nor if it is the same one written by Peacham in 1608 against Montagu, but we are told that while Peacham’s house was being searched, the officers discovered some notes of a sermon in which the King and the government were denounced with “reckless vehemence.” In these notes, not only were James’s ministers charged with misconduct, the King with extravagance, and the Ecclesiastical Courts with a tyrannical exercise of their powers, but the King’s sudden death and a rebellion of the people were declared to be the probable outcome of the government’s alleged misdeeds. This was enough for the Privy Council to treat Peacham’s words as “treasonable intent.”

After Peacham’s examinations taken under the above-mentioned warrant, Winwood (James’s Secretary) informs the Privy Council that Peacham had been examined “upon the interrogatories exhibited, where he was examined before torture, in torture, between torture, and after torture.” It is peculiar how special interrogatories were drawn up for Peacham’s examination, since Coke had noted that “many of the judges were of opinion, that this [Peacham’s offence] was not treason.”⁵⁵ But the King bitterly resented Peacham’s remarks on himself, and urged the government to test their suspicions “to the uttermost.” In order for this to happen, it was needed to obtain further information from the silent prisoner.

Although the Common law did not recognize the legality of torturing a prisoner to extort a confession, it was generally admitted that torture might be lawfully applied by the Privy Council to a prisoner who deliberately refused to surrender information in his possession

⁵⁵ Cro. Car. 125.

respecting a plot against the life of the Sovereign or the security of the government. It is much the same machinations that apply today in the United States: Torture is recommended for national security reasons. It was Bacon who laid this down as a legal maxim: “In highest cases of treason, torture is used for discovery and not for evidence.”⁵⁶ This means, that torture might be used to extract information respecting the conspiracy and fellow-plotters, though not to obtain evidence to be employed against the prisoner who confessed under torture. However one twists this to suit the times and plots, it remains the same: Torture was used, and is still being used, in interest of national security.

Accordingly, the King issued a warrant on January 18, 1614, to the Privy Councilors (Winwood and Cæsar), then to Bacon, Montagu, and other officers of the Tower to put Peacham under torture, and “to the manacles as in your discretion you shall see occasion if you find him obstinate and perverse, and not otherwise willing or ready to tell the truth.” What is most cruel is that Peacham at the time is described as an old man, and the inhumanity of the proceedings must have been indefensible.

Interrogatories upon which Peacham is to be examined
January 19, 1614⁵⁷

Who procured you, moved you, or advised you to put in writing these traitorous slanders, which you have set down against his Majesty’s government, or any of them?

Who gave you any advertisement, or intelligence, touching these particulars which are contained in your writings, as touching the sale of the crown lands, the deceit of the King’s officers, the greatness of the King’s gifts, his keeping divided Courts, and the rest; and who hath conferred with you, or discoursed with you concerning these points?

Whom have you made privy and acquainted with the said writings, or any part of them? And who hath been your helpers or confederates therein?

⁵⁶ James Spedding, *Works*, Vol. III. p. 114.

⁵⁷ *Ibid.*, Vol. V. p. 338., 8vo. Edit.

What use meant you to make of the said writings? Was it by preaching them in sermon, or by publishing them in treatise? If in sermon, at what time, and in what place, meant you to have preached them? If by treatise, to whom did you intend to dedicate, or exhibit, or deliver such treatise?

What was the reason, and to what end did you first set down in scattered papers, and after knit up in form of a treatise or sermon, such a mass of treasonable slanders against the King, his posterity, and the whole State?

What moved you to write, the King might be stricken with death on the sudden, or within eight days, as Ananias or Nabal? Do you know of any conspiracy or danger to his person, or have you heard of any such attempt?

You have confessed that these things were applied to the King and that after the example of preachers and chroniclers, King's infirmities are to be laid open; this sheweth plainly your use must be to publish them: Show to whom and in what manner?

What was the true time when you wrote the said writings, or any part of them? And what was the last time you looked upon them, or perused them before they were found or taken?

What moved you to make doubt whether the people will rise against the King for taxes or oppressions? Do you know, or have you heard of any likelihood or purpose of any tumults or commotions?

What moved you to write, that getting of the crown land again would cost blood, and bring men to say: 'This is the heir, let us kill him?' Do you know, or have you heard, of any conspiracy or danger to the Prince, for doubt of calling back the crown lands?

What moved you to prove that all the King's officers might be put to the sword? Do you know, or have you heard, if any petition is intended to be made against the King's Council and

officers, or any rising of people against them? What moved you to say in your writing that our King, before his coming to the Kingdom, promised mercy and judgment, but we find neither? What promise do you mean of, and wherein hath the King broken the same promise?⁵⁸

Attached to the copy of the above questionnaire, in the handwriting of Winwood, the following conclusion is noted: “Upon these interrogatories, Peacham this day was examined before torture, in torture, between torture, and after torture. Notwithstanding, nothing could be drawn from him, he still persisting in his obstinate and insensible denials, and former answers.” The next step appears to have been Bacon privately consulting with the judges about the case, and this is evident in the following letter from him to James, dated January 21, 1614. “It grieveth me exceedingly that your Majesty should be so much troubled with this matter of Peacham, whose raging devil seemeth to be turned into a dumb devil. But although we are driven to make our way through questions, which I wish were otherwise, yet I hope well the end will be good. But then every man must put to his helping hand: For else I must say to your Majesty, in this and the like cases as St. Paul said to the centurion when some of the mariners had an eye to the cock boat, except these stay in the ship ye cannot be safe. I find in my Lord’s great and worthy care of the business, and for my part, I hold my opinion and am strengthened in it by some records that I have found.”⁵⁹

Bacon, it appears, had been sounding the judges separately, to see what they would do in the case, as both he and the King had doubts, under law, if Peacham was guilty of treason. This was done under James’s direction, but Coke objected to it as illegal against “such particular and auricular taking of opinions;” then further asserted that unless a written attack on the King disabled the title, “no charge of treason could be based upon it.” Coke does not seem to have objected to the judges being consulted collectively, but objected to individual consultation.

On January 27, Bacon writes to James again about the result of his consultation with other judges. “This day, in the afternoon, was read your Majesty’s letters of direction touching Peacham; which because it concerneth properly the duty of my place, I thought it fit for me to

⁵⁸ This last question could be alluding to Thomas Percy (one of the gunpowder conspirators) who had visited James shortly before Elizabeth’s death with a view to getting from him a promise to help the English Catholics; a promise which James deliberately broke.

⁵⁹ J.W. Bund-Willis, *State Trials*, (London, 1879), Vol. I.

give your Majesty both a speedy and a private account thereof, that your Majesty knowing things clearly how they pass may have the true fruit of your own wisdom and clear-seeing judgment in governing the business. First for the regularity which your Majesty as a master in business of State doth prudently prescribe in examining and taking examinations, I subscribe to it; only I will say for myself, that I was not at this time the principal examiner. For the course your Majesty directeth and commandeth for the feeling of the judges of the King's Bench, their several opinions by distributing ourselves and enjoining secrecy, we did first find an encounter in the opinion of my Lord Coke, who seemed to affirm that such particular and, as he called it, auricular taking of opinions, was not according to the custom of this Realm, and seemed to divine that his brethren would never do it. But when I replied that it was our duty to pursue your Majesty's directions, and it were not amiss for his Lordship to leave his brethren to their own answers, it was so concluded, and his Lordship did desire that I might confer with himself, and Mr. Serjeant Montague was named to speak with Justice Crook; Mr. Serjeant Crew with Justice Houghton; and Mr. Solicitor with Justice Doddridge. This done, I took my fellows aside, and advised that they should presently speak with the three judges before I could speak with my Lord Coke for doubt of infusion, and that they should not in any case make any doubt to the judges, as if they mistrusted they would not deliver any opinion apart, but speak resolutely to them and only make their coming to be to know what time they would appoint to be attended with the papers. This sorted not amiss, for Mr. Solicitor came to me this evening and related to me that he had found Judge Doddridge very ready to give opinion in secret, and fell upon the same reason which upon your Majesty's first letter I had used to my Lord Coke at the Council Table, which was that every judge was bound expressly by his oath to give your Majesty counsel when he was called, and whether he should do it jointly or severally, that rested in your Majesty's good pleasure as you would require it. And though the ordinary course was to assemble them, yet there might intervene cases wherein the other course was more convenient: The like answer made Justice Crook; Justice Houghton, who is a soft man, seemed desirous first to confer, alleging that the other three judges had all served the crown before they were judges, but that he had not been much acquainted with business of this nature. We purpose therefore forthwith they shall be made acquainted with the papers, and if that could be done as suddenly as this was, I should make small doubt of their opinions; and, in howsoever, I

hope force of law and precedent will bind them to the truth, neither am I wholly out of hope that my Lord Coke himself, when I have in some dark manner put him in doubt, that he shall be left alone will not continue singular.”⁶⁰

Coke still appears to have been obstinate, but gradually yielded, because on February 11, we find another letter from Bacon to James stating: “For Peacham the rest of my fellows are ready to make their report to your Majesty at such time and in such manner as your Majesty shall require it. Myself yesterday took my Lord Coke aside, after the rest were gone, and told him all the rest were ready, and I was now to require his Lordship’s opinion according to my commission. He said I should have it, and repeated that twice or thrice, as thinking he had gone too far in that kind of negative to deliver any opinion apart before, and said he would tell it me within a very short time, though he were not that instant ready. I have tossed the business *in omnes partes*, whereof I will give your Majesty knowledge when time serveth.”

The law was then secured, but the evidence was still weak, so Peacham appears to have again been tortured. The appearance of this is contained in a report from Bacon to the King.

Report from Bacon to the King

February 23, 1614.⁶¹

It may please your excellent Majesty.

I perceive by the Bishop of Bath and Wells that although it seemeth he hath dealt in an effectual manner with Peacham, yet he prevaieth little hitherto, for he hath gotten to him no new names, neither doth Peacham alter in his tale touching Sir John Sydenham. Peacham standeth off in two material points *de novo*. The one he will not yet discover into whose hands he did put his papers touching the consistory villainies. They were not found with the other bundles upon the search, neither did he ever say that he had burned or defaced them. Therefore it is like they are in some person’s hands, and it is like again that that person that he hath trusted with these papers he likewise trusted with these others of the treasons; I mean with the sight of them. The other that he taketh time to answer when he is asked whether he heard not

⁶⁰ J.W. Bund-Willis, *State Trials*, (London, 1879), Vol. I.

⁶¹ *Ibid.*,

from Mr. Paulet some such words as he saith he heard from Sir John Sydenham, or in some lighter manner. I hold it fit that myself and my fellows go to the Tower, and so I purpose to examine him upon these points and some others at the least, that the world may take notice that the business is followed as heretofore, and that the stay of the trial is upon farther discovery, according to that we give out. I think also it were not amiss to make a false fire, as if all things were ready for his going down to his trial, and that it were upon the very point of being carried out to see what that will work with him.

Lastly, I do think it most necessary and a point principally to be regarded, that because we live in an age wherein no Counsel is kept, and that it is true that there is some bruit abroad that the judges of the King's Bench do doubt of the case that it should not be treason, that it be given out constantly, and yet as it were a secret and so a fame to slide, that the doubt was only upon the publication, in that it was never published, for that, (if your Majesty marketh it) taketh away or least qualifies the danger of the example, for that will be no man's case.

This is all I can do to thread your Majesty's business with a continual and settled care, turning and returning not with anything in the world save only the occasions themselves, and your Majesty's good pleasure.

In pursuance of Bacon's intention, Peacham was further tortured; the result is given in the following account of the examination on March 10, 1614, taken before Bacon and three Commissioners at the Tower.

Question: Being asked when he was last at London, and where he lodged when he was there. Answer: He saith he was last at London after the end of the last parliament, but where he lodged he knoweth not.

Question: Being asked with what gentlemen and others in London when he was there last he had conference and speech withal. Answer: He said he had speech only with Maurice Berkeley, and that about the petitions only which had been before sent up to him by the people of the country, touching the aspirators and the grievances offered the people by the Court of the officials.

Question: Being asked touching one Peacham of his name what knowledge he had of him, and whether he was not the person that did put into his mind divers of those traitorous passages which are both in his loose and contexted papers. Answer: He saith this Peacham of his name was a divine, a scholar, and a traveler, and that he came to him some years past, the certainty of the time he cannot remember, and lay at this examine's house a quarter of a year, and took so much upon him as he had scarce the command of his own house or study, but that he would be writing sometimes in the church, sometimes in the steeple, sometimes in this examine's study; and now saith farther that those papers, as well loose as contexted, which he had formerly confessed to be of his own hand, might be of the writing of the said Peacham, and saith confidently that none of them are his own handwriting or inditing, but whatsoever is in his former examinations as well before his Majesty's Learned Council as before my Lord of Canterbury and other the Lords and others of his Majesty's Privy Council, was wholly out of fear and to avoid torture.

Question: Being required to describe what manner of man the said Peacham that lay at his house was. Answer: He said that he was tall of stature and can make no other description of him, but saith as he taketh it he dwelleth sometimes at Honslow as a Minister, for he hath seen his letters of orders and license under the hand of Mr. D. Chatterton, sometime Bishop in Lincoln. He denieth to set his hand to this examination.

Having been consulted, the judges rendered a conviction; the King and Bacon now determined to let Peacham go to trial. Peacham, fearing that his trial meant his death, resorted to desperate resorts in order to cause delay. He declared that Sir John Sydenham, brother-in-law to Sir Amyas Paulet, had suggested to him the objectionable words he was accused of saying. Sydenham and Paulet were summoned before the Privy Council, and Peacham was re-examined; but although Peacham continued to give mysterious hints that he was abetted by persons of influence, no evidence on the point was found, and it would have been singular if it did, so Peacham fell back on a denial of the authorship of the incriminating papers under his examination of March 10, 1614. He noted they were "by a namesake from a divine, a scholar, and a traveler, who dwelt sometimes at Hounslow as a Minister. The same person who had

visited Hinton St. George, and had left some manuscripts in the rectory study.” Peacham was apparently referring at random (?) to the writer and emblemist, Henry Peacham⁶² who was the creator of the famous work, entitled: *Minerva Britannia*, published in 1612. Whether Peacham was coerced to name the author Henry Peacham or thought it would create some further delay toward his trial, we do not know; but it is peculiar that the author of *Minerva Britannia* was mentioned, since Bacon personally knew him, as he also knew Sir John Sydenham and Sir Amyas Paulet. It is more peculiar the prisoner Peacham chose eminent names to accuse, instead of some other citizens of London.

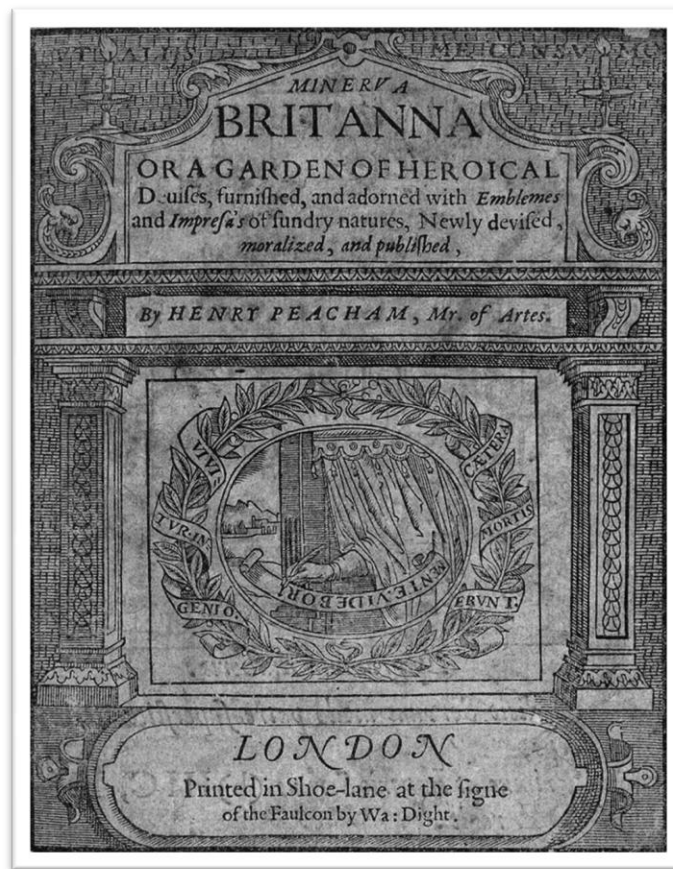


Figure 6: Henry Peacham's *Minerva Britannia* (1612)⁶³

⁶² (b.1576–d.1644)

⁶³ Courtesy of Middlebury College by the students of Professor Billings's first-year seminar, Emblem Literature (FS 10, Fall 2001).

The trial of Edmund Peacham finally took place at the Taunton spring Assizes in 1614; he was “indicted of treason for divers treasonable passages in a sermon which was never preached or intended to be preached, but only set down in writing and found in his study. He was tried and found guilty, but not executed: Note that many of the judges were of opinion that it was not treason.”⁶⁴ Peacham it is true was not executed; he died in prison seven months later. Bund-Willis, in his *State Trials*, says: “No case in our annals seems more disgraceful than this: That the King and his Attorney-General [Bacon] should conspire to murder an unfortunate lunatic is bad enough, that they should endeavour to make the judges their accomplices is, if possible, worse; if this case stood alone it would be sufficient to disgrace both James and Bacon. Think of a King reproaching his judges (who had sworn to do justice) for not doing injustice by writing of them that they cared ‘more for the safety of such a monster (Peacham), than the preservation of the crown.’”⁶⁵ James’s statement, which he drew up himself as to Peacham’s case, can be found in Appendix D.

Another peculiar case is Samuel Peacock’s. On February 19, 1619, a warrant, signed among other members of the Privy Council (Bacon and Coke included), were directed to the Lieutenant of the Tower, Sir Henry Montague, the Lord Chief Justice, and to Sir Thomas Coventry who was Solicitor-General, requiring them or any two of them, to examine Peacock, “upon vehement suspicion of high treason and to put him, as there shall be cause for the better manifestation of the truth, to the torture either of the manacles or the rack.” In one of Bacon’s letters dated February 10, 1619 to the King, he recommends the use of torture on this occasion. “But I make no judgment yet, but will go on with all diligence; and, if it may not be done otherwise, it is fit Peacock be put to the torture. He deserveth it as well as Peacham did.”

In closing James’s Council Book, the warrant for Peacham is the only recorded in which an authority to apply torture is directed to a Common law judge. In the case of May, as seen earlier, there is enough reason to believe that the particular warrant so directed was not executed; and there has not been any discovery or evidence of the actual application of torture in the case of Peacock, nor is there a Samuel Peacock to be found in the *National Dictionary of Biography*. The final warrant of torture is dated January 9, 1621, directed to Mr. Serjeant

⁶⁴ Cro. Jac. 125.

⁶⁵ J.W. Bund-Willis, *State Trials*, (London, 1879), Vol. I.

Crewe and the Attorney-General, to examine James Crasfield, a prisoner in the Tower, “for causes known unto them; and if there shall be cause, not only to offer him the manacles and rack, but to use the same as in their discretion they shall find requisite.” What was the result is not known.

CHAPTER 2. NOTORIOUS TORTURERS & THEIR DWELLINGS

“Great weights, often hang on little wires.”

—*Sir Francis Bacon*

A. Richard Topcliffe

Richard Topcliffe,⁶⁶ landowner and Member of Parliament during the Reign of Elizabeth, was a representative of an old family of Topcliffes, from Somerby in Lincolnshire. A visitation of that county, made in 1592, informs us that he was the eldest son of Robert Topcliffe; his mother (Margaret) was the daughter to Thomas Lord Borough, and a cousin to Sir Edmund Brudenell's wife.⁶⁷

Young Topcliffe was admitted student of Gray's Inn in 1548,⁶⁸ and it has been assumed that he was also the Richard Topcliffe who, after being matriculated as a pensioner of Magdalene College Cambridge in November 1565, preceded B.A. in 1568, and commenced M.A. in 1575.⁶⁹ By the year 1572, Topcliffe was being described as "the Queen's servant," from a two year old suit to the Queen. By this time he represented Beverley in parliament, which met on May 8 of that year, and was returned for Old Sarum to the parliament later in October 20, 1586.

After the collapse of the Northern rebellion, he was a suitor for the lands of Richard Norton⁷⁰ in Yorkshire. Around 1584 a dispute broke out between Topcliffe and the Lord Chief Justice, Christopher Wray, regarding a claim of some impropriety of the prebend of Corringham and Stow in Lincoln Cathedral, "for grant of the lands and possessions lately belonging to old Rich. Norton, the rebel; n.32: Memorandum of the value of the lands per ann. belonging to old Ric. Norton, for which Richard Topclyffe is a suitor."⁷¹

Topcliffe was regularly employed by Burghley, but in what capacity the official documents do not state. He obviously worked mostly for Walsingham and the Privy Council in general. He regarded his authority as deriving directly from Elizabeth. This is not peculiar, since Walsingham was perhaps one of the very worst of the irregulars connected with the Privy Council of Elizabeth. Furthermore, Topcliffe was known for manipulating the art in corrupting

⁶⁶ (b.1532–d.1604)

⁶⁷ Harl MS. 6998, art. 19.

⁶⁸ Reg. col. 20.

⁶⁹ Cooper, *Athenæ Cantabr*, Vol. II, p. 386.

⁷⁰ (b.1488?–d.1588)

⁷¹ Calendar State Papers, DS, n.31; 1570.

others, with skill in elevating treachery to the dignity of a science; for ability in planning and carrying out forgery, as well as in arranging for the assassination of inconvenient spies or open enemies. If we consider how Walsingham was vastly superior to his friend Burghley, then it is easy to visualize Topcliffe in some office about the Court under that spymaster's wing.

For over twenty years, Topcliffe was most actively engaged in hunting out popish recusants, Jesuits, and seminary priests. This employment procured for him so much notoriety, that a Topcliffian nickname for "putting to the rack" was born: Topcliffizare signified to hunt a recusant. The writer of an account of the apprehension of the Jesuit Robert Southwell, preserved among the Bishop of Southwark's manuscripts, asserts, "because the often exercise of the rack in the Tower was so odious, and so much spoken of by the people, Topcliffe had authority to torment priests in his own house in such sort as he shall think good." In fact, Topcliffe boasted that he had a machine at home, of his own invention, compared with which the common racks in use were mere child's play.⁷² With this statement of his, one may imagine what tortures were committed that were never written or ever entered into the official records; and the account of Topcliffe's cruel treatment of Southwell would be incredible if it were not confirmed by admissions in the martyr's own handwriting.⁷³ Because of such atrocities, the justices of both Benches and Barons of the Exchequer forwarded a written opinion touching imprisonments, which was a declaration of all the judges of "sundry misusages in committing men to prison without lawful cause."

To the Right Honourable our very good Lords.

Sir Christopher Hatton, of the Honourable Order of the Garter Knight

Lord Chancellor of England, and Sir William Cecil,

of the Honourable Order of the Garter Knight,

Lord Burghley, Lord High Treasurer of England.

June 5, 1591⁷⁴

⁷² (a) Rambler, (1857), pp. 108–118; (b) Dodd, *Church History*, ed. Tierney, Vol. III. App. p. 197.

⁷³ (a) Lansdowne MS. 73, art. 47; (b) Tanner, *Societas Jesu usque ad sanguinis et vitæ profusionem militans*, p. 35.

⁷⁴ Lansdowne MSS, Ixviii. 87.

We, her Majesty's Justices of both Benches and Barons of the Exchequer, do desire your Lordships that by your good means such order may be taken that her Highness subjects may not be committed or detained in prison by commandment of any nobleman or Counselor against the laws of the Realm, to the grievous charges and oppression of her Majesty's said subjects: Or else help us to have access to her Majesty to be suitors unto her Highness for the same. For divers have been imprisoned for suing ordinary actions and suits at the Common law until they will leave the same, or against their wills put their matter to order, although sometime it be after judgment and execution.

Item, others have been committed and detained in prison upon such commandment against the law, and upon the Queen's writ in that behalf, no cause sufficient hath been certified or returned. Item, some of the parties so committed and detained in prison, after they have by the Queen's writ been lawfully discharged in Court, have been eftsoons [*sic*] re-committed to prison in secret places and not in common and ordinary known prisons, at the Marshalsea, Fleet, King's Bench, Gatehouse, nor the custody of any sheriff, so as upon complaint made for their delivery the Queen's Court cannot learn to whom to award her Majesty's writ, without which justice cannot be done. Item, divers Serjeants of London and officers have been many times committed to prison for lawful executing of her Majesty's writs out of the King's Bench, Common Pleas, and other Courts, to their great charges and oppression, whereby they are put in such fear as they dare not execute the Queen's process. Item, divers have been sent for by pursuivants for private causes, some of them dwelling far distant from London, and compelled to pay to the pursuivants great sums of money against the law, and have been committed to prison till they would release the lawful benefit of their suits, judgments or executions; for remedy in which behalf we are almost daily called upon to minister justice according to law, whereunto we are bound by our office and oath.

And whereas it pleased your Lordships to will divers of us to set down when a prisoner sent to custody by her Majesty, her Council, or some one or two of them, is to be detained in prison and not delivered by her Majesty's Courts or judges; we think that if any person shall be committed by her Majesty's special commandment or by order from the Council Board, or for

treason touching her Majesty's person, any of which causes being generally returned into any Court is good cause for the same Court to leave the person committed in custody. But if any person shall be committed for any other cause, then the same ought specially to be returned. C. Wray; Thos. Geint; Edm. Anderson; Robt. Clerke; Roger Manwood; W. Peryam; Fra. Wyndam; Tho. Walmysley; J. Clenche; Ed. Fenner; Francis Gaudy.
Endorsed. 9 June, 1591. A declaration of all the judges of sundry misusages in committing men to prison without lawful cause.

Not only was Richard Topcliffe performing tortures in his own house, the above opinion of judges confirms also that some parties were "re-committed to prison in secret places." There is no hope or expectation that ever these acts will come to light; it is of logical reasoning to state that the prisoners who were tortured or those that were secretly "re-committed to prison" have never been recorded.

Great indignation then was excited, even among the Protestants, and so loud and severe were the complaints to the Privy Council against Topcliffe's methods, that Burghley, in order to mitigate the popular feeling, caused Topcliffe to be arrested and imprisoned upon pretence of having exceeded the powers given to him. But the imprisonment was of short duration. Not long after, Nicholas Owen and Henry Garnett were put to the test of the Topcliffe rack whose name appears in the special commission against Jesuits which was issued on March 26, 1593.

In November 1594, Topcliffe sued one of his accomplices, Thomas Fitzherbert, that had promised, under bond, to give him £5,000 if he would persecute Fitzherbert's father and uncle to death, together with a Mr. Bassett. Fitzherbert pleaded that the conditions had not been fulfilled, as his relatives died naturally, and Bassett was in prosperity. This being rather too disgraceful a business to be discussed in an open Court of law, the matter was put over for secret hearing and Topcliffe used some expressions which reflected upon the Lord Keeper and some members of the Privy Council. As a result, Topcliffe was re-committed to the Marshalsea prison for contempt of Court. Detained there for some months, he addressed two letters to the Queen, and, in Dr. Jessop's opinion, "two more detestable compositions."

Topcliffe was out of prison again by October 1595. In 1596 he was engaged in racking certain gipsies (or Egyptians) who had been captured in Northamptonshire, and in 1597 he

applied the torture of the manacles to a Thomas Travers, who was in Bridewell for stealing the Queen's Standish.⁷⁵ In 1598 Topcliffe was present at the execution of John Jones, the Franciscan, whom he had hunted to death. By this time, Topcliffe had possession of the old family house of the Fitzherberts at Padley, Derbyshire, and was living there by February 1603. He died before December 3, 1604, when a grant of administration was made in the prerogative Court of Canterbury to his daughter Margaret.

Dr Jessop describes Topcliffe as "a monster of iniquity" and Gerard, in his narrative of the gunpowder plot, speaks of the "cruellest Tyrant of all England, Topcliffe, a man most infamous and hateful to all the Realm for his bloody and butcherly mind."⁷⁶ Topcliffe, who harboured a fanatic hatred for Catholics and the Roman Catholic Church, was involved in the interrogation and torture of many priests and laity, at a time when Catholics were suspected of actively and violently seeking to overthrow the Protestant government of England. He gained a reputation as an effective torturer and a deranged psychopath. He claimed that his own instruments and methods were better than the official ones, and was authorized (by whom we do not know) to create a torture chamber in his private house in London, Westminster. Where this house is today, is unknown. Topcliffe also involved himself directly in the execution of sentences of death upon Catholic recusants, which involved hanging, drawing and quartering.

Topcliffe's victims included the Jesuits Robert Southwell,⁷⁷ a Jesuit priest and poet who lived and moved in England's Catholic underground; including John Gerard and Henry Garnet, and it is not surprising how Topcliffe is featured numerous times in Gerard's autobiography of his days as a hunted priest in Elizabethan England. He's described as old and hoary and a veteran in evil. It has been surmised that during interrogations, Topcliffe may have indulged in bizarre sexual fantasies about the Queen, being that he raped one of his prisoners, Anne Bellamy, until she helped him arrest Southwell. When Bellamy became pregnant by Topcliffe in 1592, she was forced to marry his servant to cover up the scandal. Topcliffe was also the interrogator of the poet Ben Jonson in August 1597 under investigation into the suppressed and

⁷⁵ Jardine, *Reading on the Use of Torture in England* (pp. 41, 99, 101).

⁷⁶ Morris, *Condition of Catholics* (p. 18).

⁷⁷ (b.1561–d.1595)

lost play *The Isle of Dogs*. There are no records showing that any kind of torture had been inflicted upon Ben Jonson by Topcliffe at that examination.

B. Thomas Norton

There is still extant the order of the Elizabethan Privy Council, dated May 3, 1581, directing Sir Owen Hopton ⁷⁸ Lieutenant of the Tower, Dr Hammond, ⁷⁹ and Thomas Norton to examine “a certain seminary priest or Jesuit naming himself Briant and if he shall obstinately refuse to confess the truth, then to put him unto the torture, and by the pain and terror of the same to wring from him the knowledge of such things as shall appertain.” I have given Briant’s account so will not repeat it here. Three months later, August 4, 1581, we read in the Privy Council Registers, that the Council ordered Hammond and Norton, the inquisitors who were examining the Catholic prisoners in the Tower, “to inquire after one Nashe and what is become of one Shorte, a priest, who resorted to the said Nashe’s house, and what other Jesuits or priests have been harboured there.” From other passages in the same register it appears that the mentioned John Nashe was supposed to be living in Lawrence Lane, where Campion was supposed to have visited.

The only Nashes of the time were three: One does not seem to have been a Catholic; on March 19, 1583, he had been committed by the Bishop of London, and was sent from the Marshalsea to Newgate for causes of religion as a “precisian” meaning Puritan. ⁸⁰ The second Nashe (Michael) turned out to be of the Catholic faith, however, was at the time of Briant’s imprisonment living in the county of Oxford since 1574. ⁸¹ Finally, the third Thomas Nashe (satirist) who was sometimes so favourable to Catholics, could not be the one, since at the time of Briant’s imprisonment, the satirist was a mere boy. Who the intended Thomas Nashe the Privy Council was inquiring about, I could not discover.

Furthermore, there is another peculiarity: The alleged date of Briant’s execution. I say alleged, because the Privy Council Register has April 28, 1582 depicted as the date of execution, yet in every historical account, confused dates surface, depicting Briant’s execution for December 1581. I believe this confusion was due to Norton’s conduct when he examined

⁷⁸ (b.1519–d.1595)

⁷⁹ Hammond received a salary of £100 in 1617 and during Prince Henry’s life he was in his service.

⁸⁰ R.O. Domestic, Vol. clix. nn. 32, 35, 36.

⁸¹ *Ibid.*, Vol. xcix., n. 55.

Briant: Norton was credited with the cruel boast that he had stretched Briant on the rack “a foot longer than God had made him.” Historians presumed this to have caused Briant’s quick execution, yet it cannot be justified, because Norton complained to Walsingham on March 27, 1582, that he was consequently nicknamed “Rackmaster-General” and explained, not very satisfactorily, that it was before, and not after the rack had been applied to Briant that he had used the remark attributed to him.⁸² The Privy Council has Briant still alive and being tortured in April 1582, though the public believed he was already dead by December 1581. Another possible reason for the incorrect date of Briant’s execution could be of the same harsh treatment subjected to other prisoners in 1581. Whatever the confusion, Norton’s cruelty became known, an outcry was raised, and the Elizabethan Privy Council was shamed into putting Norton into prison for a few days, though apparently on some other plea, to make believe that they were not responsible for his actions. It is identical to how the Council dealt with Richard Topcliffe’s torturing manners as seen earlier. This somehow relieved their responsibility of such persons and their atrocities.

On researching Thomas Norton’s pedigree, with astonishment we find that he was a solicitor and a poet, born 1532 in London. The Norton family was closely connected with the Grocers Company in London, to which Thomas was in due course admitted; but, although it is probable that he went to Cambridge at the Company’s expense, nothing is known of his academic career, and should not be identified with the Thomas Norton who graduated B.A. from Pembroke College, Cambridge, in 1569.

Whilst a boy, Thomas Norton entered the service of the Protector Somerset as an amanuensis, and quickly proved himself a ripe scholar. He eagerly adopted the views of the religious reformers, and was only eighteen-years-old when he published a translation of a Latin letter, which Peter Martyr wrote to the Duke of Somerset on his release from the Tower in 1550. Five years later (1555) Norton was admitted a student at the Inner Temple, and soon afterwards he married Margery, the third daughter of Archbishop Cranmer. Norton worked seriously at his profession, and subsequently achieved success in it; but, while keeping his terms, he devoted much time to literature. It was not until 1567 and 1570 when Norton’s

⁸² Cal. State Papers, Dom. 1581, P. 48.

religious zeal displayed itself in many violently controversial tracts aimed at the pretensions of the Roman Church, and in 1570 he published a translation of Nowell's, entitled: *Middle Catechism*, which became widely popular. As early as 1558, Norton was elected Member of Parliament for Gatton, and in 1562 he sat for Berwick. Meanwhile, he was called to the Bar, and his practice grew rapidly. On Lady Day in 1562, he became standing Counsel to the Stationers Company, and on June 18, 1581, solicitor to the Merchant Taylors Company. With such members as Norton included in the Counsel to the Stationers Company, there is little puzzlement as to why literature and Elizabethan pamphlets were censured to the extremes of being "burnt to ashes." On February 6, 1570, Norton was appointed to the newly established office of remembrance of the city of London, his functions being to keep the Lord Mayor informed of his public engagements, and to report to him the daily proceedings of parliament while in session. As an officer, Norton was elected one of the members for the city of London, and took his seat in the third parliament of Elizabeth, which met April 2, 1571.

Norton's activity and undoubted legal ability soon recommended him to the favour of the Queen's ministers, for on January 16, 1571, the Duke of Norfolk was tried for his life, on account of his negotiations with Queen Mary Stuart, and Norton was officially appointed to take down the notes of the trial. In January 1581, Norton's ambition was realized and his becoming an official censor of the Queen's Catholic subjects began. He was appointed by the Bishop of London licenser of the press, and he was commissioned to draw up the interrogatories to be addressed to Henry Howard (afterwards Earl of Northampton) then a prisoner in the Tower. The Earl was charged with writing a pamphlet in support of his brother, the Duke of Norfolk, who had already been executed as a traitor and a Catholic. Henry Howard's nephew was the first Earl of Arundel, who in his early youth about the Court, as the Earl of Surrey, drew, for a time, the favour of the Queen. His life at that period was disorderly, and he was notorious for his extravagance; afterwards, through the influence of his wife, and perhaps of Campion, he became a Romanist of devotion. He died in the Tower in 1595, having been condemned to death for treason in 1589 and reprieved by the Queen. Camden's remarks on this event (1589) are interesting: "There were a great many that most heartily lamented the untimely fall of this young nobleman (for he was not above thirty-three years of age at the most), and as many on the other side who were ready to cry up the Queen's wisdom and

caution, who by this example had struck a kind of terror into the more powerful part of the Romish faction. The Queen after gave him his life and was well enough satisfied in having lessened the power of so considerable a man, and one who was so great a bulwark of the Catholic cause.”⁸³

In the spring of 1582, Norton was confined in his own house in the Guildhall in London, for disrespectful comments on the English bishops, made in a conversation with John Hampton of Trinity College, Cambridge (afterwards Archbishop of Armagh). Norton was soon released, and in 1583 he presided at the examination of more Catholic prisoners. He seems also to have been engaged in racking Francis Throgmorton and involved in the examination of the Earl of Arundel at Whitehall. Norton also conducted the prosecution of William Carter, who was executed January 2, 1583, for printing the book, entitled: *Treatise of Schism*. But his dissatisfaction with the Episcopal establishment grew with his years, and at length involved him in a charge of treason and his own committal to the Tower. While in the Tower, he recommended to Walsingham an increased rigour in the treatment of Catholics, and his suggestions seem to have prompted the passage through parliament of the Sanguinary Statute which was adopted in 1584. Norton soon obtained his liberty by Walsingham’s influence, but his health had deteriorated. He died at his house at Sharpenhoe, March 10, 1583. He was buried in the neighbouring church of Streatley.

Norton’s son (Robert) was the translator of Camden’s *Annals of Elizabeth*, interpolated in the third edition of that work, and inserts a curious eulogy in memory of his father: “His [Thomas Norton’s] surpassing wisdom, remarkable industry and dexterity, singular piety, and approved fidelity to his Prince and country were the theme of applause with Lord Keeper [Nicholas] Bacon, Lord Treasurer Burghley, and the rest of the Queen’s most honourable Privy Council; while the petty books he wrote corresponding with the times tended to the promoting of religion, the safety of his Prince and good of his country, and his sundry excellent speeches in parliament, wherein he expressed himself in such sort to be a true and zealous Philopater, gained him the title of Master Norton, the Parliament man.”⁸⁴

⁸³ (a) Kennett, (London, 1719) Vol. II. p. 553; (b) Arundel’s letter to the Queen; See *Life*, ed. Duke of Norfolk (1857) where it is noted in the “scribble” of the Northumberland Manuscript, as by Sir Francis Bacon.

⁸⁴ (1635) p. 254.

CHAPTER 3. TORTURE TOOLS

I will go into the various torture tools and techniques used, not only in England, but elsewhere in Europe, and begin with...

i. The cucking-stool

In the early history of England, there was the cucking-stool which must not be confused with the ducking-stool. Both were two distinct machines. It appears, from a record in the *Domesday Book*, that as far back as the days of Edward the Confessor, any man or woman detected giving “false measure” in the city of Chester was fined 4s. For brewing “bad ale,” was placed in the *cathedra stercoris*. It was a degrading mode of chastisement, the culprits being seated in the chair at their own doors or in some public place. In Leicester, around 1467, the local authorities directed “scolds to be punished by the Mayor on a cuck-stool before their own doors, and then carried to the four gates of the town.”

According to Borlase, in his *Natural History of Cornwall*, the cucking-stool was used “as a seat of infamy, where strumpets and scolds, with bare feet and head, were condemned to abide the derision of those that passed by, for such as the bailiffs of the manors, which had the privilege of such jurisdiction, did approve.” Ale-wives in Scotland were sometimes placed in the cucking-stool, and in 1555, we learn from Thomas Wright, that “it was enacted by the Queen-Regent of Scotland that itinerant singing women should be put on the cuck-stoles of every burgh or town.”

The first *Homily against Contention*, sets forth the following: “In all well-ordered cities common brawlers and scolders be punished with a notable kind of pain, as to be set on the cucking-stole, pillory, or such like.”⁸⁵ And the Statute of 3 Henry VIII, records: “Carders and spinners of wool who were convicted of fraudulent practices were to be set upon the pillory or the cucking-stole, man or woman, as the case shall require.” One can only agree with Thomas Wright when he observed that the preceding passages are worded in such a manner as not to lead us to suppose that the offenders were “ducked” since through the course of time, many

⁸⁵ Part 3 (1562).

terms like “cucking” and “ducking” stools became synonymous, and implied the machines for the ducking of scolds in water.

A French spy called Misson visited England about 1700, and has left on record one of the best descriptions of a ducking-stool that has been written. It occurs in a work, entitled: *Travels in England*: “The way of punishing scolding women, is pleasant enough. They fasten an arm chair to the end of two beams, twelve or fifteen feet long, and parallel to each other, so that these two pieces of wood, with their two ends, embrace the chair, which hangs between them upon a sort of axle, by which means it plays freely, and always remains in the natural horizontal position in which the chair should be, that a person may sit conveniently in it, whether you raise it or let it down. They set up a post on the bank of a pond or river, and over this post they lay, almost in equilibrium, the two pieces of wood, at one end of which the chair hangs just over the water. They place the woman in this chair, and so plunge her into the water, as often as the sentence directs, in order to cool her immoderate heat.”

ii. The brank

It was also called the “Gossip’s Bridle” and in the Macclesfield town records it is designated “a brydle for a curste queane.” In the term “queane” we have the old English synonym for a woman. The Brank is not as old a contraption as the ducking-stool; the earliest mention of the former is in England in the Corporation Records of Macclesfield, of the year 1623. At an earlier period, we have traces of it in England and Scotland.

The Brank may be described simply as an iron framework, placed on the head, enclosing it in a kind of cage; it had in front a plate of iron, which, either sharpened or covered with spikes, was situated in the mouth of the victim, and if the victim attempted to move their tongue, it was certain to be injured.

iii. The pillory

The Pillory may be traced back to a remote period in England and in other European countries. The mention of it calls to remembrance the names of many who figure in the Annals

of the country, embracing not a few of the noblest and the best; but there are those of others which, for the credit of the nation, have not been allowed to see the print: Round the pillory gathers tragedy and comedy, and, altogether, its history is of interest and importance.

Stow, in his *Survey of London*, supplies a description of the Cornhill pillory, and gives particulars of the crimes for which it was brought into requisition. After adverting to the making of a strong prison of timber called a cage, and fixing upon it a pair of stocks for night-walkers, he next tells us: "On the top of the cage was placed a pillory, for the punishment of bakers offending in the assize of bread; for millers stealing of corn at the mill; for bawds, scolds, and other offenders." Literary Annals contain many records of the punishments of authors on the pillory, even in ancient Greece where Greeks and Romans frequently brought writers into contempt by publicly burning their books. In the days of Augustus, no less than 20,000 volumes were consigned on one occasion to the flames. The works of Labienus were amongst those which were burnt. It was a terrible blow to the author and some of his friends. Cassius Severus, when he heard the sentence, exclaimed in a loud voice that they must burn him also, for he had learnt all the books by heart. He refused food, and presently died, though historians claim he was buried alive.

In England, it was a common practice to place in the pillory those writers who presumed to write against the reigning Monarch, or on political and religious subjects which were not in accord with the opinions of those in power. In continuation, the public hangman was often directed to make bonfires of the works of the offending authors. A few good examples of famous writers can be mentioned: Stubbs in Elizabeth's Reign, lost his hand for writing a pamphlet of radical tendencies; he was later executed on Tower Hill for writing the foregoing lines of an execution that he had witnessed: "Having been hanged, he [the prisoner] was cut down immediately, and his entrails were then extracted and thrown into the fire; and all this was so speedily performed that, when the executioner pulled out his heart, he spoke, and said, *Jesus, Jesus.*" It is generally understood that Marlowe translated (as a college exercise) the *Amores of Ovid*. It was a work of unusual ability; but did not, however, meet with the approval

of Archbishop Whitgift⁸⁶ neither with the approval of Bishop Bancroft. As a consequence, in June 1599, only six years after the poet's death, all copies were ordered to be burnt. A few escaped the fire, and are now very valuable. Even Milton's books were burnt by the common hangman on August 27, 1659, whilst other authors and publishers were often nailed by the ears to the pillory, and when ready to be set at liberty the ears would frequently be cut off.

For persecuting authors in England, there were at the end of the sixteenth century the so-called "disguised trials;" these were trials that were commenced under the name of high treason, and heard in the Star Chamber. As a result, the Privy Council employed torture, if not in pursuance of the Common law, in pursuance of the royal prerogative. "In treason, the corporal punishment is by drawing on a hurdle from the place of the prison to the place of execution, by hanging and being cut down alive, bowelling and quartering, and in women, burning," Sir Francis Bacon had written.⁸⁷ Had you gone to France, you would have found the same hideous devices in use, the various parliaments, or High Courts, actually competing with each other in the discovery of more effectual modes of torturing the human frame; modes which cannot be portrayed without lack of sympathy, but which are described in the histories of Criminal law and still preserved. These "disguised trials" can be found (in abundance) within a manuscript volume which is now in the Vatican Library.⁸⁸ The manuscript itself has a curious history: It was carried to Paris at the time of the French occupation of Rome in 1811. Napoleon ordered it to be published in full. But this was never done. On the fall of the first Empire it was claimed by the Papal government, but later went missing; it had disappeared from the National Library in Paris. At a later time it was found in the French King's private

⁸⁶ (a) *Britannia*, p. 200; (b) Beetham's, *Baronetage*, Vol. IV. p. 386: John Whitgift was a native of Grimsby, in Lincolnshire: he rose entirely by his own merit to the University honours which were conferred upon him. He was made successively Bishop of Worcester and Archbishop of Canterbury, which last promotion he obtained in 1583, on the death of Archbishop Grindal. He was employed and trusted by Burghley in many State affairs of importance; this made him one of the Commissioners in 1586, who were appointed to try Mary of Scotland; he did not, however, proceed to Fotheringhay, but he was present in the Star Chamber, to which place the Court was adjourned, after hearing Mary's reply to the charges brought against her. Whitgift died in 1608, lamented, says Camden, by all good men. The college at Croydon, of which he was the founder, testifies to Whitgift's "munificence and charitable disposition." Of his temper, there are many instances: When Sir Richard Knightly, who had established a secret printing press, from which issued many bitter libels on the Church and its primate, was heavily fined by the Court of the Star Chamber; Whitgift sued and obtained Sir Knightly's pardon.

⁸⁷ *Cases of Treason Assigns of John Moore*, (London, 1641).

⁸⁸ 1181 Ex Archivio S. Offij; contr. *Galileum Galilei Mathematicum*.

library. In 1846 it was given up by Louis Philippe, and was presented to the Pope by Rossi. A condition of the surrender was that the entire proceedings of trials in the manuscript should be published. This was not done, though Marini (antiquarian) managed to publish certain extracts, which were selected with a purpose and with a design: To shield the Holy Office from odium. Some further documents were published subsequently by another antiquarian, Berti, and it has been conjectured that all which is material is now published. Favaro, who has published a collection of all the extant documents, states that the discussions as to the authenticity of the documents in this peculiar manuscript kept in the Vatican Library are at an end: "Today we are of opinion that there is no longer anyone who honestly suspects that the documents have been purposely altered in any way; and in particular the publication of the *Decreta* in full has conduced to that result, for they show from first to last a perfect correspondence between the two series of records which deal with the subject. Thus the story of Galileo's condemnation may be written at last in all its completeness; there is really no need of rhetoric or invective to bring to light its true significance; for, setting aside all quibbles about the authority which pronounced it, the sentence was, if not the greatest, at least one of the most serious mistakes which the Roman Curia has made, though that body expiated it perhaps not yet in full on the day when it had to expunge the condemned dialogue from the Index, and inscribe in the very volumes of the *Decreta* permission to teach, uphold and defend that doctrine, which it had already declared to be absurd, philosophically false and formally heretical." ⁸⁹

In 1630, after the Elizabethan and Jacobean Reigns, Dr Leighton (clergyman and father of Archbishop Leighton) was tried and found guilty of printing a work, entitled: *Zion's Plea against Prelacy*, in which he called bishops men of blood, ravens, and magpies, and pronounced the institution of Episcopacy to be satanic; he called the Queen a daughter of Heth, and even commanded the murder of Villiers (King James's favourite). His sentence was a hard one: He was fined £10,000; degraded, pilloried, branded, and whipped; an ear was cropped off, and his nostril slit. After enduring these punishments, he was sent to Fleet Prison. At the end of the week, he underwent a second course of cruelty, and was consigned to prison for life. After

⁸⁹ Galileo e l' Inquisizione (1907).

eleven years in prison, Leighton was liberated, the House of Commons having reversed his sentence by telling him his mutilation and imprisonment had been against the law.

In these periods of British history, a book or pamphlet could not be printed without a license from the Archbishop of Canterbury, the Bishop of London, or the authorities of the two Universities, those being in Oxford and Cambridge. Only authorized printers were permitted to set up printing presses in the city of London. Anyone printing without the necessary authority subjected himself to the risk of being placed in the pillory and whipped through the city. Two printers (Liburn and Warton) disregarded this order, and began printing and publishing “libelous and seditious works;” furthermore, they refused to appear before the Court where such offences were tried. The authorities found them guilty, and fined each man £500 then ordered them to be whipped from Fleet Prison to the pillory at Westminster. The sentence was carried out on April 18, 1638. One of the printers, Liburn, appears to have been a man of courage: When in the pillory, he gave away copies of his works to the crowd; he then addressed them on the tyranny of his persecutors. He was immediately gagged. And William Prynne lost his ears for writing his *Historic-Mastix: the Player’s Scourge, or Actor’s Tragedie*, in 1633. His pillory experiences were painful, and according to an entry in the *Annals of Hull*, in the year 1645, all the books of Common Prayer were burned by the Parliamentary soldiers, in the market-place.

One of Spurgeon’s predecessors, Benjamin Keach, was a Baptist Minister of Winslow, in the County of Bucks. He issued a work, entitled: *The Child’s Instructor or a New and Easy Primmer*. The book was regarded as “seditious” and the authorities tried him for writing and publishing it at the Aylesbury Assizes in October 8, 1664. The judge passed on him the following sentence: “Benjamin Keach, you are here convicted of writing and publishing a seditious and scandalous book, for which the Court’s judgment is this, and the Court doth award, that you shall go to gaol for a fortnight, without bail or mainprise; and the next Saturday to stand upon the pillory at Ailsbury for the space of two hours, from eleven o’clock to one, with a paper upon your head with this inscription: For writing, printing and publishing a schismatically book, entitled, The Child’s Instructor, or a new and easy Primmer. And the next Thursday so stand in the same manner, and for the same time in the market of Winslow; and there your book shall be openly burnt before your face by the common hangman in disgrace to

you and your doctrine. And you shall forfeit to the King's Majesty the sum of £20 and shall remain in goal until you find sureties for your good behaviour and appearance at the next Assizes, there to renounce your doctrine, and to make such public submission as shall be enjoined you." Keach was kept a close prisoner until the following Saturday, and on that day was carried to the pillory at Aylesbury where he stood two hours without being permitted to speak to the spectators. It is recorded that his hands as well as his head were carefully kept in the pillory the whole time. The next Thursday he stood in the same manner and length of time at Winslow, the town where he lived, and his book was burnt before him. After this, upon paying his fine, and giving sufficient security for his good behaviour, he was set at liberty, but was never brought to make recantation.⁹⁰

Item 3. Censorship of the Press.

(a) Star Chamber Ordinance, 1566.⁹¹

That no person should print or bring into the Realm printed any book against the force and meaning of any ordinance contained in any the Statutes or laws of this Realm or in any injunctions, letters patents or ordinances set forth by the Queen's authority.

That whosoever should offend against the said ordinances should forfeit all such books, and from thenceforth should never exercise the feat of printing; and to sustain three months imprisonment. That no person should sell, bind or sew any such books, upon pain to forfeit all such books and for every book 20s. That all books so forfeited should be brought into the Stationers Hall and all the books so to be forfeited to be destroyed or made waste paper.

That it should be lawful for the wardens of the [Stationers] Company to make search in all workhouses, shops and other places of printers, booksellers and such as bring books into the Realm; and all books to be found against the said ordinances to seize and carry to the Hall to the uses above said and to bring the persons offending before the Queen's Commissioners in causes ecclesiastical. Every stationer, printer, bookseller should enter into several recognizance

⁹⁰ Howell's *State Trials*.

⁹¹ (a) Prothero, *Select Statutes and other Constitutional Documents* (1906); (b) Strype and Parker, Vol. I. pp. 442, 443.

of reasonable sums of money to her Majesty that he should truly observe all the said ordinances. Upon the consideration before expressed and upon the motion of the Commissioners, we of the Privy Council have agreed this to be observed and kept. At the Star Chamber the 29th of June, 1566.

N. Bacon, C.S; Winchester; R. Leicester; E. Clynton; E. Rogers; F. Knollys; Ambr. Cave; W. Cecil. We ⁹² underwrit think these ordinances meet and necessary to be decreed and observed. Mathew Cantuar; Ambr Cave; Tho. Yale; Edm. London; David Lewis; Rob. Weston; T. Huycke.

In June 1586, the Star Chamber Ordinance took up new decrees for orders in printing, declaring “that none of the printers in Cambridge or Oxford for the time being shall be suffered to have any more apprentices than one at one time at the most: But it shall be lawful for the said printers and their successors to use the help of any journeyman being freeman of the city of London without contradiction.” ⁹³ On September 25, 1622, there was further censorship under the first Proclamation against the disorderly printing, uttering and dispersing of books, and pamphlets. ⁹⁴ And again further censorship on August 15, 1624. ⁹⁵

iv. The joughs

The Joughs, this old-time instrument of punishment, was used more generally in Scotland than in England. It was also employed in Holland, and most likely in other countries. In Scotland, its history may be traced back to the sixteenth century and from that period down to about one hundred years to 1700 where it was a popular means of enforcing ecclesiastical discipline; it was also brought into requisition for punishing persons guilty of lesser civil offences. The joughs were usually fastened to a church door, a tree in a churchyard, or to the post of a church gate, a market cross, a market iron, or weighing post, and not infrequently to prison doors. The instrument is simple in form, consisting of an iron ring or collar, with a joint

⁹² Members of the High Commission.

⁹³ State Papers (Domestic), Eliz. cxc. p. 48.

⁹⁴ Rymer's *Fœdera*, Vol. XVII. p. 52.

⁹⁵ *Ibid.*, p. 616.

or hinge at the back to permit it being opened and closed, and in the front are loops for attaching a padlock to secure it round the neck of the culprit. The diary of a Henry Machyn (citizen and merchant of London) from 1550 to 1563, contains the following note on the use: “The 30th day of June, 1553, was set a post hard by the standard in Cheap, and a young fellow tied to the post with a collar of iron about his neck, and another to the post with a chain, and two men with two whips whipping them about the post, for pretended visions and opprobrious and seditious words.”⁹⁶

v. The manacles

Of similar use were the manacles that caused intense pain and usually resulted in the loss of the use of the hands for some time afterwards. Its use was first recorded in 1591 at the London Tower and was also used at Bridewell and other city prisons.

vi. The stocks

The Stocks were used at an early period, though the precise date when they were first employed in Britain is not known; however, we may infer from Anglo-Saxon illustrations, that the stocks were in general use amongst them, since they often figure in drawings of their public places. This instrument was not only used as a mode of punishment, but as means of securing offenders. Every will of common right was compelled to erect a pair of stocks at its own expense. The Constable (by Common law) might have placed persons in the stocks to keep them in hold, but not by way of punishment. Perhaps the most notable person ever placed in the stocks for drinking freely, but not wisely, was Cardinal Wolsey. In 1500, Wolsey was in office at Lymington, near Yeovil, attending a village feast; he overstepped the bounds of moderation and was placed in the stocks.

⁹⁶ Published by the Camden Society in 1848.

vii. The whip

The Whip was used in the Reign of Henry VIII and in 1530, the famous Whipping Act was passed, directing vagrants to be carried to some market town or other place, “and there tied to the end of a cart naked, and beaten with whips throughout such market town, or other place, till the body shall be bloody by reason of such whipping.” After being whipped, the accuser had to take an oath that they would return to their native places, or where they had dwelt for three years. Various temporary modifications were made to this Act, but it remained in force until the thirty-ninth year of the Reign of Elizabeth, when some important alterations were made: Persons were not to be publicly whipped naked, but from the middle upwards, and whipped until the body showed blood. It was at this time that the whipping-post was substituted for the cart, and whipping-posts soon became plentiful.

viii. Boiling to death

Boiling to death was a legal punishment, though instances of its exercise were not so frequent in the Annals of crime as some of the other modes of execution. In the year 1531, in Henry VIII’s Reign, an Act was passed for boiling prisoners to death. The Act details three cases: One was Richard Roose (or Coke) a cook in the diocese of the Bishop of Rochester, who had poisoned the food of several persons, and caused the death of two. He was found guilty of treason, and sentenced to be boiled to death without benefit of Clergy; that is, that no abatement of sentence was to be made on account of his ecclesiastical connection, nor was he allowed any indemnity such as was commonly the privilege of Clerical offenders. He was brought to punishment at Smithfield on the April 15, 1532, and the Act ordained that all manner of prisoners should meet with the same doom after that. The second case is of a servant, who was boiled to death in the market-place of King’s Lynn for the crime of poisoning her mistress. The third and final case is of a Margaret Davy, also a servant. She was boiled to death at Smithfield on March 28, 1542, for poisoning persons with whom she had lived. The Act for boiling to death was repealed in the year 1547.

ix. Beheading

Beheading, as a mode of punishment, has an early origin. Amongst the Romans it was regarded as a most honourable death. It is asserted that it was introduced into England from Normandy by William the Conqueror, and intended for putting to death criminals belonging to the higher grades of mankind. The first person to suffer beheading was a man named Walthe. Later executions were for the Earl of Huntingdon, the Earl of Northampton, and, the Earl of Northumberland in 1076. Since that year, some of the leading members of the English nobility have perished at the block. An early victim of the axe was William Wallace, who was beheaded on a scaffold at the Elms at Smithfield in 1305. But at this later period, beheading by sword or axe had become the established mode of punishment for theft. Murder was punished by outlawry, but theft of goods and cattle by death; while in the Isle of Man stealing of a beast was only considered trespass, but the stealing of fowl was punishable by death.

x. Hanging, drawing, and quartering

Hanging, drawing, and quartering, with their attendant horrors, have been termed “godly butchery” on account of the divine authority which was adduced to support their continuance; Coke finds in the Bible a countenance for each of the horrid details of the punishment. We see that the texts supposed to bear upon the subject are raked from all parts of the Scriptures with great ingenuity, but with, in our modern eyes, not much of either humanity or probability of being anything more than a forced reference. The sentence on traitors was pronounced as follows:

“That the traitor is to be taken from the prison and laid upon a sledge or hurdle,⁹⁷ and drawn to the gallows or place of execution, and then hanged by the neck until he be half dead, and then cut down; and his entrails to be cut out of his body and burnt by the executioner; then his head is to be cut off, his body to be divided into quarters, and

⁹⁷ In earlier days he was to be dragged along the surface of the ground, tied to the tail of a horse.

afterwards his head and quarters to be set up in some open places directed.” The headsman (or hangman) commonly sliced open the chest and cut the heart, plucking it out and holding it up to the spectators saying: “Behold the heart of a traitor.”

Body members were then disposed of on the gates of the city, on London Bridge, or upon Westminster Hall. It is not then surprising that the plague roared in the city of London due to the infections these body parts caused.

xi. Peine forte et dure (pressing to death)

Peine forte et dure was one of the most barbarous and cruel punishments of English Statutes, distinguished by its name. It was adopted as a manner of punishment suitable to cases where the accused refused to plead, and was commuted in the year 1406, from the older method of merely starving the prisoner to death. At that time, the alteration was considered to be decidedly according to the dictates of humanity and mercy, relieving the accused from his sufferings. Such was the small value set upon human life in those dark days of British justice.

The manner in which this method was inflicted was that the “prisoner shall be remanded to the place from whence he came, and put in some low, dark room, and there laid on his back, without any manner of covering except a cloth round his middle; and that as many weights shall be laid upon him as he can bear, and more; and that he shall have no more sustenance but of the worst bread and water, and that he shall not eat the same day on which he drinks, nor drink the same day on which he eats; and he shall so continue till he die.” The object was to allow the victim, at almost every stage of the torture, to plead, and so allow the law to take its ordinary course. When a prisoner was put under the Peine forte et dure they were able to transmit their estates to their children, or will them as desired; whereas, if they were found guilty, their estates would be forfeited to the crown. In connection with this, it may be mentioned that when the practice of pressing to death had become nearly extinct, prisoners who declined to plead were tortured in order to compel them to do so, by twisting and screwing their thumbs with whipcord. The Crucet-hus also had an equal tendency, where the prisoner

was put in a short, narrow and shallow chest with stones that were pressed; whoever was in the chest had their joints broken.

xii. Gibbeting

Gibbeting was the usual mode of inflicting death upon criminals in Anglo-Saxon times. It was a mode of being hanged in chains, near the site where their crimes were committed. This form of punishment was still carried out in the 1800's, and Blackstone, in his *Commentaries* published in 1769, has a note bearing on this subject: "In atrocious cases of murder, it was frequently usual for the Court to direct the murderer, after execution, to be hung upon a gibbet where the act was committed; but this was no part of the legal judgment; and the like is still sometimes practiced in the case of notorious thieves. This, being quite contrary to the express command of the Mosaical law, seems to have been borrowed from the Civil law; which, besides the terror of the example, gives also another reason for this practice, namely, that it is a comfortable sight to the relations and friends of the deceased."

It was not an uncommon circumstance for persons to assert that criminals were hanged alive in chains, and is a disputed question in the history of English criminal justice. However, from the preceding quotation from the works of Blackstone, that a criminal was suspended in chains after execution, speaks volumes, as does Holinshed's *Chronicle of England*: "In willful murder done upon pretended (premeditated) malice, or in any notable robbery, the criminal is either hanged alive in chains near the place where the act was committed, or else, upon compassion taken, first strangled with a rope, and so continueth till his bones came to nothing. Where willful manslaughter is perpetrated, besides hanging, the offender hath his right hand commonly stricken off."

Before closing the subject of torture tools, some other devices to be noted were the Knotted Rope, which was adapted by Thomas Cromwell. The rope was tightened around the head allowing for pressure across the forehead. There were also the Barnacles which had brakes where the lips of ill-disposed horses were stretched when the horse was being shod, the wooden parts being placed and drawn tight upon the lips of those to be tortured. Another technique was fat placed in the prisoner's boots then their legs placed on a fire. The

Scavenger's Daughter was used to violently draw and squeeze the victim; a mechanism invented by Leonard Skeffington during Henry VIII's Reign. Furthermore, the Bilboes was used, which consisted of iron loops sliding on a bar and secured by a padlock at the end; the lock itself was set on a flat plate, which was fixed to the floor or walls, preventing the prisoner from moving. It is something like we have seen used today on Abu Ghraib prisoners.⁹⁸

⁹⁸ [http://en.wikipedia.org/wiki/Abu_Ghraib_torture_and_prisoner_abuse]

John Gerard



Figure 7. Father John Gerard
(b.1564)

The examination of John Gerard, on April 14, 1597, can be found in *The Book of Martyrs*, and also preserved in the Public Record Office.⁹⁹

The Commissioners at the examination were: Sir Richard Barkley (Lieutenant of the Tower); Sir Edward Coke (Attorney General); Thomas Fleming (Privy Councillor); Sir Francis Bacon (afterwards Lord Chancellor), and William Wade (or Waad), afterwards Lieutenant of the Tower.

i. Gerard's account

“On the third day, immediately after dinner, came my gaoler to me, and with sorrowful mien told me the Lords Commissioners had come, and with them the Queen’s Attorney General, [Coke,] and that I must go down to them. I found five men, none of whom had before examined me except Waad, who was there for the purpose of accusing me on all points. The Queen’s Attorney General then took a sheet of paper, and began to write a solemn form of juridical examination.”

I give here, before continuing, an account by the Commissioners: “Being demanded whether he received any letters from the parts beyond the seas or no, confesseth that within these four or five days he received from Antwerp (as he supposeth) letters enclosed and sealed up. He confesseth that he received within this year past other letters from the parts beyond the seas, and two or three of them he confesseth he did read, and saith that those letters contained matter concerning maintenance of scholars beyond sea, but refuseth to declare who sent those

⁹⁹ Domestic, Eliz., Vol. 262, No. 123.

letters or by whom the same were brought, and saith that some of those letters were sent from St. Omer. And being demanded what was the cause that moved him to have escaped out of prison of late, saith that the cause was that he might have more opportunity to have won souls. And being demanded who procured the counterfeit keys for him, by means whereof he should have escaped, refuseth to tell who it was, for that, as he saith, he will not discover anything against any other that may bring them to trouble.”

On the back of a playing card (the seven of spades) which is attached to the original document of the account, is written in Coke’s handwriting: “Polewhele I; Walpole I; PatCullen I; Annias 31; Willms I; Squier; Jarrard I.” We know that Polewhele, Patrick Cullen (or O’Collun), Williams, and Squire (or Squier) were all executed for high treason, the latter on the accusation of having, at Walpole’s instigation, poisoned the pommel of Elizabeth’s saddle. Historical records show Annias apostatized two years after.

“They then produced the warrant, which they had for putting me to the torture, and gave it me to read; for it is not allowed in this prison to put anyone to the torture without express warrant, I saw the document was duly signed.” Gerard continues. “Then they began to entreat me not to force them to do what they were loath to do; and told me they were bound not to desist from putting me to the torture day after day, as long as my life lasted, until I gave the information they sought from me. Then we proceeded to the place appointed for the torture. We went in a sort of solemn procession; the attendants preceding us with lighted candles, because the place was underground and very dark, especially about the entrance. It was a place of immense extent, and in it were ranged divers sorts of racks, and other instruments of torture. Some of these they displayed before me, and told me I should have to taste them every one. Then again they asked me if I was willing to satisfy them on the points on which they had questioned me. ‘It is out of my power to satisfy you,’ I answered; and throwing myself on my knees, I said a prayer or two. Then they led me to a great upright beam, or pillar of wood, which was one of the supports of this vast crypt. At the summit of this column were fixed certain iron staples for supporting weights. Here they placed on my wrists manacles of iron, and ordered me to mount upon two or three wicker steps; I then, raising my arms, had them inserted into an iron bar through the rings of the manacles, and then through the staples in the pillar, putting a pin through the bar so that it could not slip. My arms being thus fixed above

my head, they withdrew those wicker steps I spoke of, one by one, from beneath my feet, so that I hung by my hands and arms. The tips of my toes, however, still touched the ground; so they dug away the ground beneath, as they could not raise me higher, for they had suspended me from the topmost staples in the pillar. Thus hanging by my wrists, I began to pray, while those gentlemen standing round asked me again if I was willing to confess. I replied, 'I neither can nor will.' But so terrible a pain began to oppress me, that I was scarce able to speak the words. The worst pain was in my breast and belly, my arms and hands. It seemed to me that all the blood in my body rushed up my arms into my hands; and I was under the impression at the time that the blood actually burst forth from my fingers and at the back of my hands. This was, however, a mistake; the sensation was caused by the swelling of the flesh over the iron that bound it. I felt now such intense pain (and the effect was probably heightened by an interior temptation) that it seemed to me impossible to continue enduring it. It did not, however, go so far as to make me feel any inclination or real disposition to give the information they wanted. For as the eyes of our merciful Lord had seen my imperfection, He did not suffer me to be tempted above what I was able, but with the temptation made also a way of escape. Hereupon those gentlemen, seeing that I gave them no further answer, departed to the Lieutenant's [Barkley's] house; and there they waited, sending now and then to know how things were going on in the crypt. There were left with me three or four strong men, to superintend my torture. My gaoler also remained, I fully believe out of kindness to me, and kept wiping away with a handkerchief the sweat that ran down from my face the whole time, as, indeed, it did from my whole body. So far, indeed, he did me a service; but by his words, he rather added to my distress, for he never stopped beseeching and entreating me to have pity on myself, and tell these gentlemen what they wanted to know; and so many human reasons did he allege, that I verily believe he was either instigated directly by the devil under pretence of affection for me, or had been left there purposely by the persecutors to influence me by his show of sympathy. Yet I could not prevail with him to be silent. The others also who stood by said: 'He will be a cripple all his life, if he lives through it; but he will have to be tortured daily till he confesses.' But I kept praying in a low voice, and continually uttered the holy names of Jesus and Mary.

I had hung in this way till after one of the clock, as I think, when I fainted. How long I was in the faint I know not; perhaps not long; for the men who stood by lifted me up, or replaced

those wicker steps under my feet, until I came to myself; and immediately they heard me praying, they let me down again. This they did over and over again when the faint came on, eight or nine times before five of the clock. Somewhat before five came Waad again, and drawing near said, 'Will you yet obey the commands of the Queen and the Council?' 'No,' said I, 'what you ask is unlawful; therefore I will never do it.' 'At least then,' said Waad, 'say that you would like to speak to Secretary Cecil.' 'I have nothing to say to him,' I replied, 'more than I have said already; and if I were to ask to speak to him, scandal would be caused, for people would imagine that I was yielding at length, and wished to give information.' Upon this Waad suddenly turned his back in a rage, and departed, saying in a loud and angry tone, 'hang there, then, till you rot!' So he went away, and I think all the Commissioners then left the Tower; for at five of the clock the great bell of the Tower sounds, as a signal for all to leave who do not wish to be locked in all night. Soon after this they took me down from my cross, and though neither foot nor leg was injured, yet I could hardly stand. I scarcely tasted anything, but laid myself on my bed, and remained quiet there till the next morning. Early next morning, however, soon after the Tower gates were opened, my gaoler came up to the cell and told me that master Waad had arrived, and that I must go down to him. I went down, therefore, that time in a sort of cloak with wide sleeves, for my hands were so swollen that they would not have passed through ordinary sleeves. After further questioning, Waad insisted 'It would be better for you if you did confess,' and thereupon he summoned from the next room a gentleman who had been there waiting, a tall and commanding figure, whom he called the Superintendent of Torture. Waad said, 'In the name of the Queen, and of the Lords of her Council, I deliver this man into your hands. You are to rack him twice today and twice daily until such time as he chooses to confess.' The officer then took charge of me, and Waad departed. Thereupon we descended with the same solemnity as before into the place appointed for torture, and again they put the manacles on the same part of my arms as before; indeed, they could not be put on in any other part, for the flesh had so risen on both sides that there were two hills of flesh with a valley between, and the manacles would not meet anywhere but in the valley. Here then were they put on, not without causing me much pain. Our good Lord, however, helped me, and I cheerfully offered Him my hands and my heart. So I was hung up again as I before described; and in my hands I felt a great deal more pain than on the previous

day, but not so much in my breast and belly, perhaps because this day I had eaten nothing. While thus hanging I prayed, sometimes silently, sometimes aloud, recommending myself to our Lord Jesus and His Blessed Mother. I hung much longer this time without fainting, but at length I fainted so thoroughly that they could not bring me to, and they thought that I either was dead or soon would be. So they called the Lieutenant, but how long he was there I know not, nor how long I remained in the faint. When I came round, however, I found myself no longer hanging by my hands, but supported sitting on a bench, with many people round me, who had opened my teeth with some iron instrument, and were pouring warm water down my throat. Now when the Lieutenant [Barkley] saw I could speak, he said: ‘Do you not see how much better it is for you to yield to the wishes of the Queen than to lose your life this way?’ Upon refusing, I was suspended, therefore, a third time, and hung there in very great pain of body, but not without great consolation of soul, which seemed to me to arise from the prospect of dying. After awhile the Lieutenant, [Barkley] seeing that he made no way with me by continuing the torture, or because the dinner-hour was near at hand, or perhaps through a natural feeling of compassion, ordered me to be taken down. I think I hung not quite an hour this third time. I am rather inclined to think that he released me from compassion; for, sometime after my escape, a gentleman of quality told me he had it from Sir Richard Barkley himself (who was this very Lieutenant of whom I speak) that he had of his own accord resigned the office he held, because he would no longer be an instrument in torturing innocent men so cruelly. And, in fact, he gave up the post after holding it but three or four months, and another Knight was appointed in his stead, in whose time it was that I made my escape.”

And with the last comments from Gerard, there is a proclamation which gives a description of him, where Topcliffe’s spelling is sufficiently “kewryoos” being the meaning of curious, is worth retaining. It is dated in the Calendar of the Record Office for 1583, but this is evidently erroneous, as Gerard escaped from the Tower in 1597. “John Gerard the Jesuit, priest that escaped out of the Tower and Richard Blount a seamry priest of estimation, and a third priest intend to pass our rather after then with the low imbass at Dover Rye or thereabouts upon that coast. They have provided for a Culler to pass without suspicion a Scale like a Scale of the Counsel table to blear the eye of searchers and officers. Therefore it were not amiss that some order were left with my Lord Trasorr that he give order that the Ires do pass under such a Scale

from your Lords, but under and with some privy mark upon the Ires besides the scale. Then any passenger that carry the Ire without such a privy mark is fit to be stayed for a time until he be known. John Gerard, is a Jesuit, is about thirty years of a good stature somewhat higher than Sir Tho. Layton and upright in his pace and countenance somewhat staring in his look or eyes, curled hair by nature and blackish and not apt to have much hair of his beard. I think his nose somewhat wide and turning up, blubard lips turning outwards, especially the over lips most upwards toward the nose kewryoos [curious] in speech, if he do now continue his custom. And in his speech he floureth and smiles much and a faltering or lisping, or doubling of his tongue in his speech.”¹⁰⁰

The curiosity of Topcliffe’s signature, with the word “alias” next to it, is not very easy to ascertain what exactly is meant. Many have been described “alias” due to being illegitimate; and we frequently find the word “bastard” expressly added to the names of the children baptized in the Elizabethan era, and perhaps this latter form was only used in the case of servants and labourers, and the illegitimate offspring of the higher order was more delicately denoted by an “alias.” I will not be far wrong to say that Topcliffe may have used the term “alias” to dignify himself an illegitimate offspring of the higher order; he naturally felt of a higher order.

ii. Prisons and cells

The Tower cells were underground, with no light but the flicker of a far-off lamp. “The rats were racing about in dozens; daring in the extreme, and not like any other rats they had ever seen. To add to the horrors of the place, no cat was permitted to enter the infernal regions.” A well-known writer on those times denies the existence of this state of things. He says that the political prisoners lived well in prison, and were permitted to receive the visits of their friends almost daily. However, the statements of the prisoners themselves are quite the contrary; and are borne out by the prison records, and even from the admissions of the warders. But it is fact that the treatment of the political prisoners somewhat differed under the various

¹⁰⁰ P.R.O. Domestic, Eliz., Vol. 165, n. 21.

gaolers, whose salary or promotion depended upon the amount of cruelty with which they treated some particular prisoner. These gaolers, with rare exceptions, took bribes, and then betrayed the unfortunate men who placed faith in their words; Raleigh's imprisonment is witness to this. Many of the prisoners that entered the Tower were wholly destitute of money; on entering a prison all money was taken from them, and if they had a second suit of clothes they quickly disappeared. There was no redress for any outrage committed against political or non-political prisoners. Richard Topcliffe used his utmost abominable language to those strong-minded women who were confined for an honest expression of their religious opinions; and Young together with Norton were in the habit of using obscene language to female prisoners; but, as usual, there was no redress.

In 1582, London was described as a slaughter-house, and many of the wealthy citizens had the courage to denounce the executions and the horrible quartering of human remains. Heads were counted in dozens upon the towers of the bridges, and human limbs were hung upon poles in various parts of the city. The filthy dungeons were filled with men and women whose only crime was that of "seeking liberty of conscience." Garnet speaks of the prison called Counter in one of his letters as "a very evil prison." There were two prisons of that name in London: One in the Poultry, close to the parish Church of St. Mildred, and the other in Wood Street. They were under the respective authority of the two sheriffs. There was also a prison named Counter in Southwark, adjoining the parish Church of St. Margaret.¹⁰¹ In another prison, the Marshalsea, no less than thirty-two Catholic priests were imprisoned at one time, and nearly the same number in the Tower. Eighteen prisoners were being held in the Grate House at Westminster, whilst eleven were serving in the Compter. In other prisons, nine were in the Fountain at St. Bridget's; five in the prison known as the White Lion; twenty-two in the Compter at the Poultry; fourteen in the Clink (or Hall of Winchester); seven in the Bankside at Southwark, and three in the King's Bench prison.

According to the records of prisons, many of those clerics held were twenty years in close confinement. Sixteen of the prisoners were racked twice in one year; many of them must have died under the operation. A doctor, named Harold, relates that he was "perfectly unmanned by

¹⁰¹ Father Morris's *Life of Father John Gerard*, p. 186.

the cries and supplications for mercy uttered by one old priest.” Needless to say, the diet was bad, and not half sufficient. In the Marshalsea, the subordinates carried on a system of perfect starvation, especially in the case of Bishop Bonner. The prisoners were barbarously used on many occasions by their gaolers and warders, who were, with rare exceptions, the most inhuman creatures. Richard Fulwood, a Catholic, has left on record a sad description of the treatment he received at Bridewell prison: “I had hardly enough of black bread to keep me from death by starvation. The place I was confined to was a narrow cell, in which there was no bed, so that I had to sleep sitting on the window-sill, and was months without taking off my clothes. There was little straw in the cell, but it was so trodden down and swarming with vermin that I could not lay on it. Besides all this, I was daily awaiting an examination by torture.” In addition, at Hobbmoor Lane, a short distance from London stood the famous gallows, where forty-nine “perverse Papists” were hanged, drawn and quartered in Elizabeth’s Reign. On one occasion the Venetian Ambassador saw ten heads all in a row, ready to be spiked at different places.

Sir John Harrington stated once how Elizabeth sent for Topcliffe, and required him to give her an explanation of his improvements in the mode of torture. Harrington, who was present, noted that his royal godmother approved of the executioner’s “new device, and rewarded him substantially.” If this new device was some instrument created in Topcliffe’s private home in Westminster, we will never know. Harrington further remarks: “Topcliffe is the most savage man amongst all the English executioners. He absolutely feels a delight in prolonging the torture of the wretched Papists. His conduct to the women whom he racked is something horrible. They were stripped naked and huddled about like sheep in a slaughterhouse. What will posterity think of us?”

It is not surprising how under the Danish (English) Kings, the chief executioner was a person of some dignity, and ranked with an Archbishop and the Lord Steward. The headsman was then styled the Carnifex. Norton, the rack-master in the Tower in 1583, was a cruel persecutor of Lord Arundel. In due time Norton received his own share “of the good things distributed at the Tower.” He was suddenly arrested, placed in chains, and cast into a dungeon; and, to use his own words, “murderously racked.” He died from the effects of torture. Norton had been one of Walsingham’s secret spies in many an infamous transaction. Retributive

justice, although apparently slumbering for a while, was not unmindful of the demerits of such beings as Norton, or the more notorious Topcliffe.

Elizabeth appears in the worst light as to those persecutions, though several diaries and State Papers still extant show that she was cruelly deceived by her ministers, yet she was not wholly devoid of the tender feelings of her sex. At the time of the Bartholomew Massacre it was suggested by Leicester and Walsingham that there should be “a scaffold and stake execution of the English Papists.” The Queen protested against the plan proposed, stating that “her English Popish subjects had nothing to do with what had recently occurred.” At a later period, Elizabeth remarked to Archbishop Hutton that she feared many of her subjects who belonged to the “olden way” of thinking, were often cruelly and unjustly punished in her name. This was a hint to Hutton, who was a notorious Papist-hunter, like his brother, Whitgift.

Southwell, the grandson of Sir Richard T. Southwell, was tortured no less than ten times; Burghley states thirteen times; and this, with such pitiless severity, that he openly declared to the judges that death would have been again and again preferable. The account of this man’s sufferings is still on record. And to turn over the pages of it makes the eye dim and the heart sick. Anything more utterly revolting and merciless could scarcely be conceived. Southwell, whose statements have been confirmed by other victims, describes the London prisons as “the most abominable dungeons of filth; and the warders and executioners, headed by Topcliffe and Young, as indescribable ruffians who took a delight in every manner of torture and insult. Hard blows were frequent almost daily. The food was such that an animal in a state of horrible hunger would turn from it with loathing. Their beds were dirty straw, covered with vermin. Some of the unfortunate prisoners were hung up for whole days by the hands in such a manner that they could but just touch the ground with the tips of their toes.”

The cell in the Tower where Southwell was confined was situated far below the ordinary watermark of the Thames, and was consequently damp and musty. Sometimes it was a full foot deep in water. The only light admitted was through a narrow window high above. The cell had only a stone seat in the wall, and there was no ventilation; no books; no communication with the outer world. After being three years in this condition, Southwell was brought to trial on his special request. Burghley, to whom Southwell had written, replied in a manner more worthy of the minister of the law than its mild and merciful expounder: “If,” writes Burghley, “you desire

such haste to be hanged, you shall speedily taste thereof.” The trial was one of those mockeries of justice so common in those days.

Torture chambers were an underground chamber, very dark, with a tall roof supported by wooden posts that was in the basement of the White Tower. All torture, except for the rack performed at Bridewell, was executed at the Tower in the sub-crypt called Little Hell; executions were performed at Tyburn where condemned traitors were hanged, cut down still alive, drawn, having their heart and entrails removed and burnt, then they were quartered.

CHAPTER 4. A GREAT RECKONING IN A LITTLE ROOM (1593)¹⁰²

“To repeat a story after another is not to confirm it.”

—*Gifford*

“With one possessed of so strenuous a nostril for scenting out such carrion gossip as Gabriel Harvey, ignorant of that ‘tragic end,’ one may well question if ever it were true.”

—*Dr Grosart*

“All that impugn a received religion or superstition are by the adverse part branded with the name of Atheists.”

—*Bacon’s Essay: Of Atheism*

¹⁰² Shakespeare, *As You Like It*.

A. The beginning

i. School years

Christopher (Kit) Marlowe¹⁰³ dramatist and poet, was the son of John Marlowe, a shoemaker of Canterbury, who was a member of the Shoemakers and Tanners Guild of the town.¹⁰⁴ Young Marlowe was baptized where his parents had been married at St. George the Martyr, Canterbury, on February 26. When Marlowe was in his tenth year, Elizabeth visited Canterbury, and was magnificently entertained by the authorities; a presentation no doubt young Marlowe witnessed who was educated at the King's school of his native town, the chief educational institution of Canterbury. This institute is said to be the oldest grammar school in England, traditionally founded by Archbishop Theodore in 968, but re-established and given its royal title by Henry VIII. Marlowe received his early education at this ancient seat of learning, but the date of his entry is unknown. A certain number of "deserving boys" were accepted as commoners, that is, as boys who studied at the school yet were not on the foundation. These boys were eligible for the foundation provided they had the capacity to win a scholarship before they attained the age-limit of fifteen. The curriculum of the school comprised a certain quantum of Latin and Greek for the higher forms; but modern languages were ignored. For those intending to enter one of the learned professions, a good sound classical foundation was provided, and as Marlowe was destined for the church this provision was necessary for him.

On March 17, 1580, Marlowe matriculated as a pensioner of Corpus Christi College, Cambridge, and is entered in the register as "Marlin" without a Christian name, because he did not come up to Cambridge with a scholarship from his school. In 1583, he obtained his Bachelor's degree and it has been suggested that his academic expenses were defrayed by Sir Roger Manwood, the judge who lived at St. Stephen's near Canterbury, and whose death in 1592 was the subject of a Latin elegy written by Marlowe.

¹⁰³ (b.1564–d.1593)

¹⁰⁴ Thomas Heywood writing in 1635: "Marlo, renowned for his rare art and wit, could ne'er attain beyond the name of Kit."

The roommates which Marlowe had to share his quarters with, were Thexton and Lewger. Accommodation was not very commodious, and constructed out of a storehouse. The so-called chamber consisted really of two very small rooms opening into one another, on the ground floor in the North West angle of the court. Although separate beds were allowed for scholars above the age of fourteen, separate rooms, even for Fellows, were rarely permitted, and the three Canterbury scholars must have been put to strange inconveniences to have been given three beds, even truckle-beds, in the space provided. As college life filled so large a space and was so momentous a period in Marlowe's short existence, an official record of the daily routine, will scarcely be deemed redundant.

In the morning, at five o'clock, the students were assembled by the ringing of the bell, in the college-chapel, to hear the morning service of the church, followed on some days by short homilies by the Fellows. These services occupied about an hour; after which the students had breakfast. Then followed the regular work of the day. It consisted of two parts: The college studies, or the attendance of the students on the lectures and examinations of the college tutors or lecturers in Latin, Greek, Logic, Mathematics, Philosophy; and the University Exercises, or the attendance of the students, together with the students of other colleges, in the public schools of the University, either to hear the lectures of the University professors of Greek and Logic, or to hear and take part in the public disputations of those students of all colleges who were preparing for their degrees. After four hours, the students dined together at twelve o'clock in the halls of their respective colleges. After dinner, there was generally again an hour or two of attendance on the declamations and disputations of contending graduates either in college or in the public schools. During the remainder of the day, with the exception of attendance at the evening service in chapel, and at supper in the Hall at seven o'clock, the students were free to dispose of their own time. It was provided by the Statutes of Christ's that noone should be out of college after nine o'clock from Michaelmas to Easter, or after ten from Easter to Michaelmas.

Another Fellow of Marlowe's education years was a Francis Kett who was burnt for heresy at Norwich in 1589. The scholar Edmund Malone puts down a theory that Marlowe derived from Kett the advanced views on religion, which he subsequently developed; yet Malone does not justify by the extant details of the "blasphemous heresies" for which Kett suffered, and if Marlowe transgressed any laws or broke any rules in his college years, history has no record of them. One thing is certain, and must have influenced the boy and the man: He was brought into contact both at Canterbury and Cambridge with dramatic performances, such as they were then, and beheld them with admiration and courage.

Marlowe is known to have had a vacation or leave of absence for every year of his residence at Cambridge, but it is very uncertain how long he was away on these occasions. Where Marlowe spent his holidays is unknown, although it may be assumed that he returned home to his kindred in Canterbury at least during the earlier years of his college career, but as he naturally formed acquaintances, and some in a higher class of life than that of his family, it is probable that he sometimes visited them. Until he settled in London his time can be fairly well accounted for and probably devoted to literary work. A ballad, purporting to have been written in his later years, entitled: *The Atheist's Tragedy* describes him in his early age as a player at the Curtain theatre, where he "brake his leg in one lewd scene," but the ballad is in all probability, one of Collier's forgeries. No original portrait of Marlowe's is known to exist though a fanciful head appears in Cunningham's edition and is claimed to belong to Marlowe. This image has been suspected as one of Cunningham's forgeries.

ii. Friends and acquaintances

Thomas Hariot, the great mathematician, astronomer, and personal friend to Sir Walter Raleigh, writing to Kepler, deplored having to live at a time in which it was impossible to express one's views freely; and his feelings were shared by most of his learned contemporaries. This was the same time Marlowe graduated, and by the year 1588, Marlowe began to live in intimate relations with Thomas Walsingham (b.1563) of Chislehurst, who was first cousin to Sir Francis Walsingham. Marlowe was also on friendly terms with Raleigh and the poet Nashe, who had sometimes been a jealous rival. The latter, however, wrote an elegy

on Marlowe's untimely death which has not survived, and we have an anonymous writer in 1600 who speaks lovingly of "kynde Kit Marloe." Edward Blunt, Marlowe's friend and publisher, writes, in words that have a genuine ring of "the impression of the man that hath been dear unto us, living an after-life in our memory." After Marlowe's death, he was buried in an unknown spot, beneath the grey towers of St. Nicholas, but there is a monument to Marlowe's memory, executed by E. Onslow Ford, that has been placed, by public subscription, near the Cathedral at Canterbury. It was unveiled by Henry Irving on September 16, 1891.

There is no more substantial details of this poet's personal life, and what we have on his secret life as a spy, is what follows.

B. Marlowe's destruction

i. Entangled with spies

Marlowe left Cambridge in 1576. He travelled to Rheins around 1579 where a man called Richard Baines was also a resident of that town. We do not know how these two met, but we learn that around 1591, in the town of Flushing, Baines was now being referred to as Marlowe's "chamber fellow." Baines is reported to have betrayed Marlowe in regards to counterfeiting the royal coin. This event is witnessed in a letter written by Sir Robert Sidney to Burghley, which will be given presently. Marlowe had also developed an acquaintance with a goldsmith called Gifford Gilbert. There were two Gilberts: One is Gifford Gilbert¹⁰⁵ the double agent who worked for Walsingham since 1587, and played a role in the Babington plot; travelled extensively to Rome, the Rheims, and England, and died in a French jail in 1590.¹⁰⁶ since this Gilbert died in 1590, prior to the Flushing incident, he can be eliminated as Marlowe's acquaintance. The other Gifford Gilbert (goldsmith) who concerns us, is nowhere to be found in historical records, except in the matter of producing a Dutch shilling made of "plain peuter" with the intention of demonstrating to Marlowe and Baines how this could be done. As stated earlier, Baines reported this counterfeit venture to Sir Robert Sidney; he in turn acquainted Burghley on the matter, and Marlowe and Gilbert were sent back to England in custody, but with a recommendation for mercy, as only one peuter Dutch shilling had been coined. This recommendation was accepted, and no charges were brought against either men.

Before I continue with the Rheins incident, a note must be made for September 18, 1589, when Marlowe is involved in a duel in Hog Lane with a William Bradley. A man called Thomas Watson intervened and stopped the duel; the only problem was, that Watson killed Bradley "in self-defence in this incident," and both men were taken to Newgate's dungeon to await trial. Marlowe had to pay a fine of £40 as bail, and also furnished two sureties of £20 each, as conditions precedent to his release. The Privy Council appointed sureties for both Marlowe and Watson. The victim, William Bradley was known to the authorities for

¹⁰⁵ (b.1560–d.1590)

¹⁰⁶ Pollen, *Mary Queen of Scots and the Babington Plot* (1922).

quarrelling; he also owed money to both Watson and John Alleyn (brother of Edward Alleyn). Bradley refused to pay, and in all probability this was the cause for the fight.

Ingram (author) in his *Marlowe and his Poetry*, published in 1914, is unaware of this incident and gives an entirely different story why Marlowe was in jail at this time. He says Marlowe “was then writing plays for Lord Strange’s Company, and many speeches of his dramatic personages certainly handled matters of Divinity and State in a manner which in those times would be considered without judgment or decorum. It is, therefore, not wonderful to find that Marlowe had to appear before William Fleetwood, Recorder of the City of London, at Clerkenwell, and give two sureties of £20 each, and enter into recognizance himself for £40 that he should appear at the next sessions at Newgate to answer all that was objected against on the part of our Sovereign Lady the Queen, that is, of course, on the part of the public authorities.” Two years later, Marlowe is involved in another incident, this time more grave.

ii. The Flushing incident

To the Right Honourable Lord of Burghley
Lord Treasurer of England
January 26, 1591

Right Honourable,

Besides the prisoner Evan Flud[d] I have given in charge to this bearer my ancient [Evan Lloyd] two other prisoners, the one name Christopher Marly, by his profession a scholar, and the other Gifford Gilbert a goldsmith taken here for coining, and their money I have sent over unto your Lordship. The matter was revealed unto me the day after it was done, by one Richard Baines whom also my ancient shall bring unto your Lordship. He was their chamber fellow and fearing the success, made me acquainted with all.

The men being examined apart never denied anything, only protesting that what was done was only to see the goldsmith’s coining. And truly I am of opinion that the poor man was only brought in under that cover, whatever intent the other two had at the time. And indeed they do one accuse another to have been the inducers of him, and to have intended to practise it

hereafter, and have as it were justified him unto me. But howsoever it happened a Dutch shilling was uttered, [produced,] and else not any piece, and indeed I do not think that they would have uttered many of them. For the metal is plain pewter and with half an eye to be discovered. Notwithstanding I thought it fit to send them over unto your Lordship, to take their trial as you shall think best. For I will not stretch my commission to deal in such matters, and much less to put them at liberty and to deliver them into the town hands being them Queen's subjects, and not required neither of this said town I know not how it would have been liked, especially since part of that which they did counterfeit was her Majesty's coin.

The goldsmith [Gilbert] is an excellent workman and if I should speak my conscience had no intent hereunto. The scholar [Marlowe] says himself to be well known both to the Earl of Northumberland and my Lord Strange. Baines and he do also accuse one another of intent to go to the enemy or to Rome, both as they say of malice one to another.

Hereof I thought fit to advertise your Lordship, leaving the rest to their own confession and my ancient's report. And so do humbly take my leave at Flushing the 26 of January 1591.

Your Honour's very obedient to do you service,

R. Sydney

Endorsed: 26 Jan. 1591. Sir Robert Sidney to my L. He sends over by this bearer his ancient one Evan Lloyd, and two others Christopher Marly and Gifford Gilbert a goldsmith taken for coinage, to be tried here for that fact. There has been only one Dutch shilling uttered, the metal plain pewter.

From the above letter, it seems Marlowe was indeed involved in counterfeiting, or at least interested in the aspect, together with an Evan Fludd, and the goldsmith Gilbert. In the endorsed area of the letter, there is no mention of the prisoner Evan Fludd, who was introduced at the beginning of the letter. Baines brought this counterfeit incident to Sidney's attention who was Governor at Flushing at the time and all were sent back to England. No penalty was inflicted from their acts, and three weeks later, Marlowe's play, *The Jew of Malta*, is on the boards of the Rose theatre in London.

Sir Robert Sidney ¹⁰⁷ was the nephew of the Earl of Leicester (Earl of the fifth creation in 1618). Richard Verstegan wrote a letter to Robert Parsons in October 1592 regarding Sidney's state of mind, noting how "Sir Robert Sidney, the Governor of Flushing, hath of late been distracted of his wits, and hath burnt almost all his books, and still cried out that he was damned. Some ministers have been busy with him to put him out of this humour, and some report that he is somewhat more quiet; howbeit, he still retaineth some degree of frenzy." ¹⁰⁸ On March 3, 1591, three months after Sidney's counterfeit letter, a warrant Burghley signs is released ordering "for the payment of £13.6s.8d to Sidney's ensign, David [Evan?] Lloyd, for bringing of letters from ye said Sir Robert Sidney, Knight, importing her Majesty's special service, together with three prisoners committed to his charge." ¹⁰⁹

iii. Marlowe's purpose in Flushing

The art of printing in the Reign of Elizabeth was fully employed by the controversies of the times. In the year 1585, the puritan publications had become so obnoxious to the Court, that a decree of the Star Chamber confined the exercise of that art to London and the Universities, and forbade the setting up a press without a license. However, the non-conformists rendered this prohibition of no avail, by printing their works abroad, and importing them to England, where they had an extensive circulation. The High Commission Court also laid a further restraint on the press, by prohibiting the printing of satires and epigrams. The puritans, notwithstanding the orders of the government, had a private press where they printed their controversial work. Taking this into consideration, it may be more clear why Marlowe was in Flushing at the time, probably in need of a printing establishment outside of Elizabeth's censorship. We cannot deny that Marlowe was making connections with Dutch printers, if we are to assume that his translations of Ovid's *Amores* were indeed translated by him and were printed at Middleburg, close to Flushing and being a small yet thriving printing industry at the time. Even John Davies's *Epigrams* was also printed in these areas; the latter being in the Low

¹⁰⁷ (b.1563)

¹⁰⁸ Stonyhurst MS. Coll. B, 61.

¹⁰⁹ Public Records Office, SP E351, 542, 169.

Countries in the summer of 1592. Furthermore, Marlowe could also have been on a mission for Walsingham in regards to the counterfeit activities, which made it possible at a later time for Robert Cecil (during James's Reign) to conduct business with counterfeiters in Flanders that had been setup by Marlowe prior his death. I put this for consideration, since there is a peculiar passage in Welldon's *Court and Character*, reprinted in 1817, which tells us how Robert Cecil "not only showed his wisdom for his own benefit, but to the world (what the King's [James's] natural disposition was) to be easily abused, and would take counterfeit coin for current payment." There is definitely a strong motive for Marlowe's presence in Flushing.

iv. An intelligent web

Marlowe was now fully serving as a secret Agent for the British government, and would have been acquainted with other spies; amongst them was Nicholas Berden, whose real name seems to have been Thomas Rogers. No definite record about Berden exists, except that Rogers was a name taken by more than one spy, so that caution must be used in classifying references. This stated, I will refer to him from here onwards simply as Berden. The latter was employed against Philip (Earl of Arundel); this is evident from the Earl's correspondence, printed by the Catholic Record Society, where twenty-six of Berden's letters give many details of Berden's dishonesty, craft, and low morality.¹¹⁰

Another spy working with Marlowe was Thomas Phelippes whose biography was given earlier in this work; however, some gaps can be filled in at this point. Phelippes is first heard of in Paris about 1578, where Walsingham has lent him to Sir Amyas Paulet, then Ambassador there, to help in deciphering intercepted letters. In 1580, a mention of a "Mr. Philipps, an English papist, at Rouen" is heard of and if this be our man, he was pretending to be a Catholic for the time. Phelippes travelled a great deal in France, presumably as an intermediary between Walsingham and other spies.¹¹¹ Sometimes the still more delicate task was assigned to Phelippes of conveying to French Huguenots the money with which Elizabeth supplied them in

¹¹⁰ (Vol. XXI. No. 20).

¹¹¹ It is even famed that Dr. John Dee, astrologer to Elizabeth, was one of Walsingham's secret Agents.

their rebellions. Needless to say, Walsingham trusted Phelippes so much, that he sent to him in France various intercepted cipher dispatches, of which noone in England could make sense of.

Phelippes returns to England, and would seem to have lived in Leadenhall Market, when on May 3, 1586, his income is increased by Elizabeth's order.¹¹² This might look like a retaining fee for the great work of his life on which he was so soon to launch. It may be that Walsingham's plans were by then arranged. It would seem more probable, however, that Phelippes had fallen into debt, as he so often did later on, and that the Queen's largesse was a way of saving his credit. Be this as it may, Phelippes comes before us as a past master in all branches of letter stealing, and a man with a real genius for deciphering. Yet even here exaggerations have been made in regards to the Scottish Queen's correspondence. In fact, the deciphering of Mary's letters was easy work in the present case, because at its recommencement, all the old ciphers had changed, and a new alphabet was sent to each correspondent. Phelippes took copies of all these keys as they passed, and after that, his work was relatively simple.

Another spy Marlowe was collaborating with is one Robert Poley who worked for Sir Robert Sidney's brother and sister-in-law, Sir Philip and Lady Sidney (Walsingham's daughter). Poley was quite active in 1585 around the time of the Babington Plot, and was the fourth party in that fatal "brawl" at the Deptford tavern where Marlowe lost his life. Poley had been in Walsingham's service as a spy for some time, though the first to offer Walsingham his services was one Robert Bruce, a Scottish who was the younger brother of the Laird of Binnie. Yet Poley was a much worse sort of intriguer. He was in Walsingham's confidence at the same time that he was hailed as "Sweet Robin" by Babington and his friends. When that plot was approaching maturity, it was Poley's role to keep the plotters within the reach of Walsingham's arm until everything was ready for their destruction. Through Poley, Walsingham kept in touch with Babington's movements until a very few days before his arrest. Poley was arrested when the conspirators were taken, and he handed in a long written account of his part in the affair, which is preserved at the Record Office.¹¹³ Poley was of course never brought to trial, though

¹¹² Morris, *Sir Amias Poulet*, p. 115.

¹¹³ S. P. Mary Q. of S. XIX, No. 26.

Walsingham evidently was not quite sure if Poley was that innocent of double-dealing, as witnessed in the following letter.

To Mr. Nau, Secretary to her Majesty.

July 1586 ¹¹⁴

Mr. Nau,

I would gladly understand what opinion you hold of one Robert Pooley, whom I find to have intelligence with her Majesty's occasions. I am private with the man, and by mean thereof know somewhat, but suspect more. I pray you deliver your opinion of him.

Endorsed: July, 1586.

Letters between the Queen of Scots and Anthony Babington.

There is also a warrant signed by the Vice Chamberlain in July 23, 1590, addressed for Poley for bringing letters in post concerning "her Majesty's Special Service from Flushing and sundry other places in the Low Countries." ¹¹⁵ This warrant certifies Poley's presence in Flushing before Marlowe and Baines were there.

Another spy related with Marlowe's activities was his assassin, Ingram Frizer who was a servant to Thomas Walsingham, and later accused with Nicholas Skeres of swindling a young country gentleman. All we know of this incident is that on October 9, 1589, Frizer purchased the Angel Inn, situated in Basingstoke, from the joint owners, Thomas Bostock and William Symons for £120. Within two months, Frizer sold the Inn for a competent sum to James Deane who was citizen and draper of London. How Skeres was involved is uncertain, but Frizer was intimate with Skeres who is heard of elsewhere only in prison when he was arrested on March 13, 1594, by Sir Richard Martin (Alderman) in "very dangerous company" at the house of one Williamson. Skeres also appears in the list of servants to the Earl of Essex under the assumed name of Nicholas Kyrse, and was imprisoned at Counter prison (in Wood Street) to await

¹¹⁴ Read, *The Bardon Papers*, (1909), Vol. XVII.

¹¹⁵ Morris, *Sir Amias Poulet*, p. 115, E351, 542, f.144a.

examination. If Skeres was planted in Essex's establishment to keep an eye on the activities in that house, is most probable.

To sum up the spy web, there was Nicholas Berden (or Thomas Rogers); Thomas Phelippes; Robert Poley; Ingram Frizer; Nicholas Skeres; Thomas Drury (we will meet him later), and of course Anthony Bacon who was Essex's right hand. All these spies were connected with Marlowe, and the two witnesses present at his assassination were Poley and Skeres; the assassin was Frizer.

v. The French church wall libel

Scholars have long been aware, from the Privy Council summons of May 18, 1593, that Marlowe was known to be staying at Thomas Walsingham's house at Scadbury, Chislehurst, at the time of his death. A few months prior, a libel is written and pinned up.

A Libel

Fixed upon the French Church Wall, in London.

Anno 1593 ¹¹⁶

Ye strangers that do inhabit in this land note this same writing do it understand conceit it well for safeguard of your lives your goods, your children, and your dearest wives. Your Machiavellian Merchant spoils the State, your very doth leave us all for dead, your artefacts and craftsman works our fate, and like the Jews, you eat us up as bread. The merchant doth ingress all kind of wares, forestalls the markets, where so 'ere he goes sends forth his wares, by peddlers to the fairs, retails at home, and with his horrible shows: Undoeth thousands in baskets your wares trot up and down carried the streets by the country nation, you are intelligencers to the State and crown and in your hearts do wish an altercation, you transport goods, and bring us gauds good store our lead, our vital, our ordinance and what not that Egypt's plagues, vex not the Egyptians more than you do us; then death shall be your lot no

¹¹⁶ Bodleian Library, MS. Don. d. 152 f. 4v.

prize comes in but you make claim thereto and every merchant hath three trades at least, and cutthroat like in selling you undo us all, and with our store continually you feast: We cannot suffer long.

Our poor artificers do starve and die for that they cannot now be set on work and for your work more curious to the eye. In chambers, twenty in one house will lurk, raising of rents, was never known before living far better than at native home and our poor souls, are clean thrust out of door and to the wars are sent abroad to Rome, to fight it out for France and Belgia, and die like dogs as sacrifice for you expect you therefore such a fatal day shortly on you, and yours for to ensue as never was seen. Since words nor threats nor any other thing can make you to avoid this certain ill wheel cut your throats, in your temples praying not Paris massacre so much blood did spill as we will do just vengeance on you all in counterfeiting religion for your flight when 'tis well known, you are loath, for to be thrall your coin, and you as countries cause to this light with Spanish gold, you all are infected and with that gold our nobles wink at feats. Nobles said I? Nay, men to be rejected, upstarts that enjoy the noblest seats that wound their country's breast, for lucre's sake and wrong our gracious Queen and subjects good by letting strangers make our hearts to ache for which our swords are wet, to shed their blood and for a truth let it be understood. Fly, fly, and never return. *per.* Tamberlaine.

However we read this libel, it seems peculiar; not as much as to the syntax, but mostly to the meaning. It is as though entire phrases have been blotted out leaving the entire message a mass of confusion. Note the play, entitled: *Tamberlaine* at the end of the libel. The year 1588 is known when *Tamberlaine* was acted on stage, so it was obvious to the writer of the libel that anyone who had seen the play could connect it with the author of that play, being Marlowe. As a spy, Marlowe was not an ignorant; he would have been more intelligent than to sign the libel with the name of his own play; it would have been as though he was signing it with his own name. This shows that the person, who wrote this particular libel, was not Marlowe. Though the libel has no month of date attached to it, the following letter, dated April 1593, pertaining to this libel, would put the time frame of the libel's birth in the same month and year.

A letter to the Lord Mayor of London

April 1593

Whereas there was a lewd and vile ticket or placard set up upon some post in London purporting some determination and intention that the apprentices should have to attempt some violence on the strangers, and your Lordship as we understand hath by your careful endeavour apprehended one [I will refer to him as Prisoner X] that is to be suspected and thought likely to have written the same.

Because oftentimes it doth fall out of such lewd beginnings that further mischief doth ensue if in time it be not wisely prevented, we have thought good to pray your Lordship to cause the person by you apprehended and committed upon suspicion to have written that libel to be strictly and very carefully examined of his meaning and purpose to make that writing, who were any way privy to the same and did give him advice or encouragement, and what he is able to discover of that fact, and if there shall be pregnant matter to argue him to be guilty of the writing of the said placard, and yet he will not by fair means be brought to utter his knowledge, we think it convenient he shall be punished by torture used in like cases and so compelled to reveal the same.

We trust you are so careful in the government of the city as if some lewd persons had such wicked purpose to attempt anything against strangers that by your careful foresight the same shall be prevented. And herein we pray you to certify us what you shall further understand and learn by the examination of this lewd fellow or by any other means.

Forenoon on Sunday. At the Court at Whitehall, xxij Aprilis, 1593.

Present: Lord Archbishop; Lord Cobham; Lord Keeper; Mr. Treasurer; Earl of Derby; Sir Robert Cecil; Lord Admiral; Sir John Wolley; Lord Chamberlain; Sir John Fortescue.

From the above letter to the Lord Mayor of London, it is obvious, whoever Prisoner X was, already in custody, would undergo an examination and be put to torture.

vi. The Dutch churchyard libel

Not long after, on May 5, 1593, another libel is posted at the Dutch Churchyard. The following letters refers to this particular libel.

A letter to Mr. Doctor Cæsar, one of the Masters of the Requests,
Sir Henry Killigrew, Sir Thomas Wilkes, Knights,
William Waad and Thomas Phelippes, Esq.
May 11, 1593

The Queen's Majesty having been made acquainted with certain libels lately published by some disordered and factious persons in and about the city of London, showing an intent in the artificers and others who hold themselves prejudiced in their trades by strangers to use some course of violence to remove the said strangers or by way of tumult to suppress them, a matter very dangerous and with all diligence to be prevented. Her Majesty therefore, out of her Princely care to remove a mischief of that quality, hath made choice of you to examine by secret means who may be authors of the said libels, and by your industries to discover what the intensions are of the publishers thereof. For which purpose you may by authority hereof call unto you such persons as you shall think fit and may in likelihood be able to give you light in this cause, as namely any stranger within the city of London or other at your discretions, and by such good, secret and due means as you may to find out the authors, favourers and abettors of the libels and libellers, and to discover their intensions and purposes, wherewith you shall immediately acquaint us, that order may be taken to prevent all inconvenience likely to grow thereof. Herein you are to use your uttermost endeavours, according to the trust in this case reposed in you. At the Star Chamber, on Friday, being the 11th of May, 1593.

Present:

Lord Archbishop; Earl of Derby; Lord Keeper; Lord Buckhurst; Lord Treasurer; Sir Robert Cecil; Sir John Fortescue.

A letter to

Sir R. Martin, Anthony Ashley, Mr. Alderman Buckle

There have been of late divers lewd and malicious libels set up within the city of London, among the which there is some set upon the wall of the Dutch Churchyard that doth exceed the rest in lewdness, and for the discovery of the author and publisher thereof her Majesty's pleasure is that some extraordinary pains and care be taken by the Commissioners appointed by the Lord Mayor for the examining such persons as may be in this case any way suspected. These shall be therefore to require and authorize you to make search and apprehend every person so to be suspected, and for that purpose to enter into all houses and places where any such may be remaining, and upon their apprehension to make like search in any the chambers, studies, chests or other like places for all manner of writings or papers that may give you light for the discovery of the libellers.

And after you shall have examined the persons, if you shall find them duly to be suspected and they shall refuse to confess the truth, you shall by authority hereof put them to the torture in Bridewell, and by the extremity thereof, to be used at such times and as often as you shall think fit, draw them to discover their knowledge concerning the said libels.

We pray you herein to use your uttermost travel and endeavour, to the end the author of these seditious libels may be known and they punished according to their deserts, and this shall be your sufficient warrant.

vii. Marlowe's arrest

Whilst the above was being attended to, after the appearance of the previously mentioned libels (one in April and the other in May), a spy named Henry Maunder was sent by the Privy Council to Thomas Walsingham's house in Scadbury to arrest Marlowe. The official version for the arrest is told by many historians; the motive being Baines's note: "In 1593, a certain enemy of Marlowe's one Richard Bame [Baine] laid information against him [Marlowe] before the Privy Council for expressing atheistical opinions and for using blasphemous words, a catalogue of which Bame drew up. The poet evaded the charge by leaving town; on May 18 a

warrant was issued to bring him to the Court. This informer [Baines] was hanged at Tyburn in 1594 for a degrading offence.”¹¹⁷ And another reference on the same incident: “He [Baines] was hanged at Tyburn December 6, 1594. We know not his offence. The fact that he suffered the extreme penalty of the law appears by the Register of the Stationers Company, which records the entry to Thomas Gosson and William Blackwell of a ballad, entitled: *Wofull lamentacion of Richard Banes executed at Tybone the 6 of December 1594.*”¹¹⁸ A final reference states that “the blackest indictment against Marlowe’s character is that written by a man named Bame [Baines] who was probably bribed by the Puritans, and whose veracity is further impugned by the damaging fact that he was afterwards hanged at Tyburn.”¹¹⁹

Baines’s note got into the hands of the government apparently by another spy called Thomas Drury of the Inner Temple.¹²⁰ He delivered the note to the Privy Council on May 11, 1593. Marlowe’s roommate at the time was one Thomas Kyd,¹²¹ who had given written depositions against Marlowe prior and after the assassination. When these depositions are read, it strongly points to Kyd being Prisoner X.

Some information on Baines is only that he was a Cambridge boy, born in 1554, wrote a memorandum that found its way into the hands of the authorities just before Marlowe was killed in May 1593. There is nothing more on Baines to report of his personal life, or as a spy, except his involvement to forward the note to Drury, that allegedly triggered Marlowe’s arrest and consequently brought on the poet’s death. “There is nothing to show why Marlowe’s presence was required by the Privy Council, the records of which State department show that no crime was too important, or offence too trivial, at that period to escape its cognizance; but that it had nothing to do with the charges imputed in Kyd’s alleged letter is certain, as that was confessedly written after the poet’s death.” Ingram says.¹²²

¹¹⁷ Webb & Beckwith, *The History of Chislehurst, its Church, Manors, and Parish* (1899).

¹¹⁸ Cooper & Cooper, *Athenae Cantabrigienses*, (1858), Vol. II.

¹¹⁹ Lewis, *Christopher Marlowe Outlines* (1891).

¹²⁰ Lansdowne MS. 76, No. 20.

¹²¹ (b.1558–d.1594)

¹²² Ingram, *Marlowe and his Poetry* (1914).

viii. Baines's note

The Baines Note May 1593¹²³

That the Indians and many authors of antiquity have assuredly written of above sixteen thousand years ago, where Adam is proved to have lived within six thousand years. He *affirmeth* that Moses was but a Juggler and that one Heriots [Thomas Hariot, being Raleigh's man] can do more than he.

That Moses made the Jews to travel forty years in the wilderness, (which journey might have been done in less than one year) ere they came to the Promised Land, to the intent that those who were privy to most of his subtiles might perish, and so an everlasting superstition remain in the hearts of the people.

That the first beginning of religion was only to keep men in awe. That it was an easy matter for Moses being brought up in all the arts of the Egyptians to abuse the Jews being a rude and gross people.

That Christ was a bastard and his mother dishonest. That he was the son of a carpenter, and that if the Jews among whom he was born did crucify him they best knew him and whence he came. That Christ deserved better to die then Barabbas and that the Jews made a good choice, though Barabbas were both a thief and murderer. That if there be any god or any good religion, then it is in the papists because the service of god is performed with more ceremonies, as elevation of the mass, organs, singing men, shaven crowns &cetera.

That all Protestants are hypocritical asses. That if he were put to write a new religion, he would undertake both a more excellent and admirable method and that all the New Testament is filthily written. That the woman of Samaria and her sister were whores and that Christ knew

¹²³ As originally submitted in the Harley MS., 6853 f. 320. Words printed in italics have been scored through in the original manuscript.

them dishonestly. That St. John the Evangelist was bedfellow to Christ and leaned always in his bosom, that he used him as the sinners of Sodom.

That all they that love not tobacco and boys were fools. That all the apostles were fishermen and base fellows neither of wit nor worth that Paul only had wit but he was a timorous fellow in bidding men to be subject to Magistrates against his conscience. That he had as good right to coin as the Queen of England, and that he was acquainted with one Pole a prisoner in Newgate who hath great skill in mixture of metals and having learned some things of him he meant through help of a cunning stamp maker to coin French Crowns pistolets and English shillings.

That if Christ would have instituted the sacrament with more ceremonial reverence it would have been had in more admiration that it would have been much better being administered in a tobacco pipe. That the Angel Gabriel was bawd to the Holy Ghost, because he brought the salutation to Mary. That one Richard Cholmley hath confessed that he was persuaded by Marlowe's reasons to become an Atheist.¹²⁴

These things, with many other shall by good and honest witness be approved to be his opinions and common speeches, and that this Marlowe doth not only hold them himself, but almost into every company he cometh he persuades men to Atheism willing them not to be afeard of bugbears and hobgoblins, and utterly scorning both God and his ministers as Richard Baines will justify and approve both by mine oath and the testimony of many honest men, and almost all men with whom he hath conversed anytime will testify the same, and as I think all men in Christianity ought to endeavour that the mouth of so dangerous a member may be stopped, he saith likewise that he hath quoted a number of contrarieties out of the Scripture which he hath given to some great men who in convenient time shall be named. When these things shall be called in question the witness shall be produced.

¹²⁴ In Burghley's handwriting, in the marginal note: *he is layd for.*

There can be no doubt that Baines's note is damning for Marlowe. It contains from counterfeiting to having in his possession high ranked official names of those who were Atheists. However, all of these manuscripts that record and condemn Marlowe as an atheist, are always spoken of as original genuine documents of the period in which the poet lived; even by those writers who question the truth of the statements ascribed to Baines. The compiler of these manuscripts, Thomas Baker, asserts that they were copies of the originals made in his own handwriting. Baker is the author of the Harleian Collection, where all that concerns Baines's note is collected, and rests now in the British Museum.¹²⁵

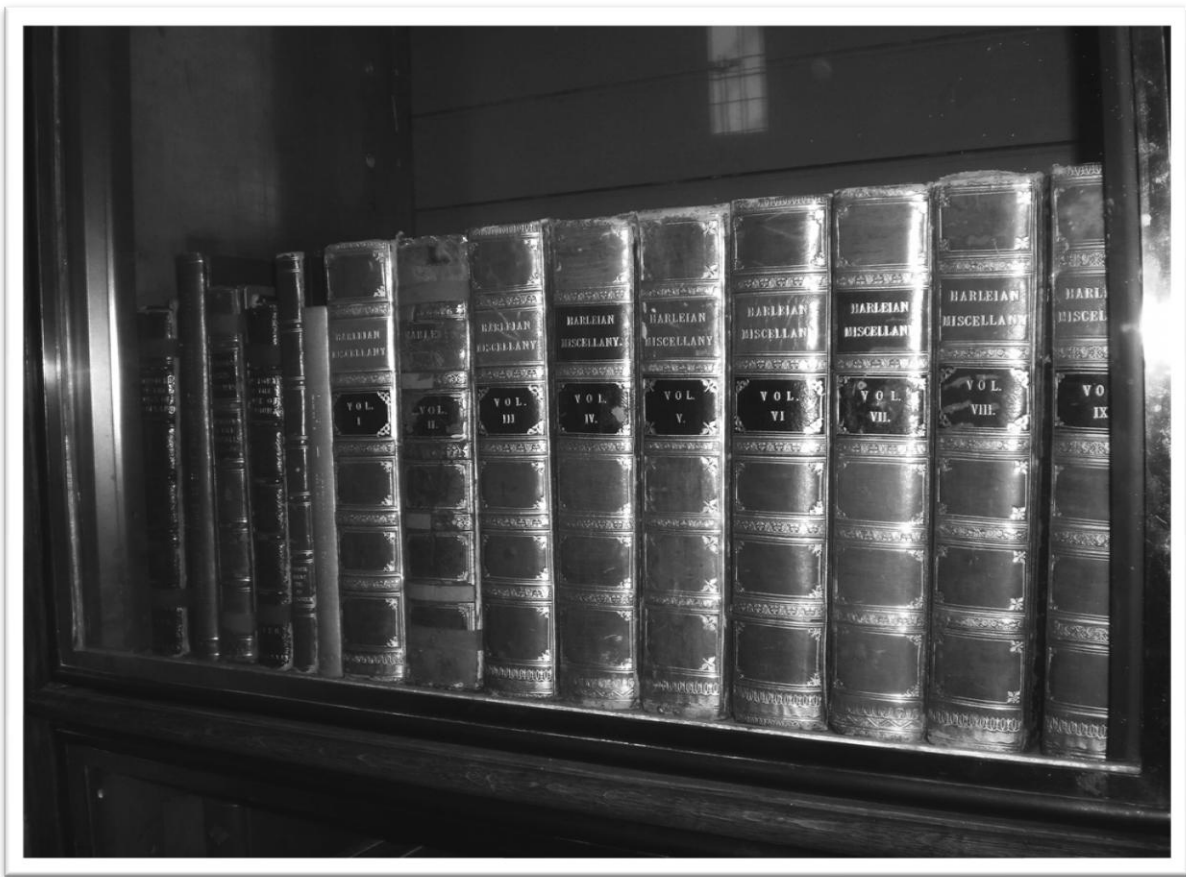


Figure 8: The Harleian Collection displayed at the British Library
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¹²⁵ 6848 f.154.

ix. The Harleian collection

The collection was purchased by Robert Harley, Earl of Oxford, from the non-juror named Thomas Baker, a fellow of St. John's College, Cambridge. The manuscripts, which are bound in several large volumes consist of many documents of surpassing literary and political interest; documents which Baker declared in his last Will & Testament were of his "own handwriting having been copied from originals" none of which originals are now known to be in existence. A further fifteen of these Folio volumes were given to St. John's College and the manuscripts in them are likewise averred by Baker, to be all in his handwriting. When Bennet (editor of Ascham's English works) complained that these documents "are unskillfully transcribed," it was a scholar called Masters who pointed out that this is due to "their being copied from the original according to the old way of spelling."¹²⁶ Surely this is sufficient evidence to prove the manuscripts in question are not original, only copies created by Baker.

Having disposed of their originality, the next step is to examine their authenticity: Are they really copies of veritable old documents, or are they mere forgeries such as Collier's and Ireland's, and many others who have foisted their forgeries on the literary world? If one manuscript proves fictitious, the whole collection must be regarded with strong suspicion. Thomas Baker was known to have been an indefatigable collector of antiquities; saturated with literary lore, especially of the Elizabethan period, and always able and willing to supply students with just such items of information as they needed. Many of his "lucky discoveries" have been embodied in standard works, and may, in these days, be capable of corroboration, but from where Thomas Baker obtained them is a mystery, as is also what became of the results of his many years of secluded study on the wonderful works he was to produce, but which he did not finish due to his death. The manuscripts (Thomas Baker bequeathed to St. John's College) have been carefully catalogued and make a marvelous collection. Many of them are by persons as unknown to history as Chatterton's Rowley; several furnish particulars of celebrities nowhere else recorded, whilst others are unknown pieces by known persons. There is something strange or unique about most of them. Occasionally it is noted of a

¹²⁶ Ingram, *Christopher Marlowe and his Associates*, (1904).

manuscript that “Baker thinks” it is in such a person’s own writing. All this evidence tends to ask the question, Is the Harleian Collection a forgery?

The Baines note has been referred to by some authors as being the production of an enemy to Marlowe, and its charges against him as being unworthy of credit, seeing that whilst some are ludicrously improbable, others are in direct conflict with Marlowe’s known words and opinions; but noone apparently has regarded the Barnes note as a forgery and of a much more recent date than the Elizabethan epoch. The authenticity of the document is made susceptible by many circumstances, and I offer here Ingram’s opinion on it.

Many noteworthy alterations and cancellations have been made in the wording of this draft [Baines’s Note] and especially in the heading; the original heading has been struck through, and the following words substituted for it: ‘A Note delivered on Whitsun eve last of the most horrible blasphemes uttered by Christofer Marly who within days after came to a sudden and fearful end of his life.’ A very remarkable item to be regarded in this Note is that as a matter of fact Marlowe was dead and buried before Whitsun eve! Whitsun eve, 1593, occurred on June 2, and the poet was buried in the churchyard of St. Nicholas, Deptford, on June 1. On the face of it, it would appear as if the forger had forgotten the leap-years, even as he who forged the letter from Peele to Marlowe, in the Lansdowne Collection, misdated it two years after the poet’s death! The body of this first draft of the Note imports that it is an affidavit by Richard Borne, but the signature is Rychard Baine. The diversity of spelling at that period was phenomenal, but the orthography of this Note is as suspiciously pseudo-antique as is that of many of the ballads in Percy’s *Reliques*.

Professor F. S. Boas has brought to light amongst the Harleian MSS, bought from Baker, another and apparently an amended copy of the Note, although he regards it as the original of the Baines Libel. It is a little better devised, as if written more leisurely than the other; it introduces the name of Sir Walter Raleigh as the patron of Hariot, and gives the name in the body of the Note, as well as for the signature, most distinctly as Richard Baines. This so-called Note ascribes all kinds of criminal offences, both civil and theological to Marlowe; and that it may be seen of what nature its contents are. As nothing in connection

with this Note happened, it was necessary, if any use were made of it, by sale or gift, to explain the reason, and therefore the 'sudden and fearful end of his life' was endorsed on the draft.

The two other remarkable documents bearing upon the subject of Marlowe's life and opinions are among the manuscripts in the Harleian Collection 'purchased from Mr. Baker.' Both the letter purporting to have been written to Sir John Puckering by Thomas Kyd (although the signature to it is unlike the authentic signature by him in Lambeth Palace Library) and the theological treatise have already been commented upon, and the reader who is unable to compare these manuscripts with one another, or with genuine documents of the period, must judge by these comments.

It may be stated that the watermarks in the paper of all four of these documents bear a suspicious family resemblance to each other, a fact which corroborates Baker's declaration that they are all in his own handwriting, and indicates they are all on paper belonging to one individual. It may be justly asked, if these are copies, what has become of the originals from which they were copied; and what caused the discrepancies between the two copies of the Note? If the Note be really a genuine State document, why was a variant of it made, and why is neither copy dated, nor attested, nor witnessed, nor addressed to anyone, nor has, apparently, been executed in the presence of any experienced legal functionary; nor furnishes the year of the Queen's Reign, as all official documents would do; nor why 'her H' (if Highness be intended) is used for the Sovereign, seeing that since Henry VIII had replaced the former title by 'Majesty' the latter had been always used, at least officially; nor why a contemporary did not know when Whitsun took place; nor why the spelling is occasionally modern; nor how many other suspicious particulars can be explained.

It is singular that Kyd should be so careful to relate all the various circumstances of his own case in writing to the Lord Keeper, who must have been fully conversant with them already; but it is a pity, if the letter be genuine, that he so carefully avoided naming the nobleman for whom he and Marlowe had worked and whose sympathy on his behalf he

now wished Puckering to arouse. The most extraordinary thing of all this is that none of the persons referred to by Kyd's letter appears to have been punished or even tried for these allegations. The more the matter is investigated, the more improbable does the indictment appear: with all the facts, as now set forth before us, can any credence be given (not to the statements of the Baines Libel, for they have all along been regarded as palpably false and absurd) to the belief that these documents were written by the persons alleged and at the period stated?¹²⁷

Ingram had a point in being in such disbelief after the plethora forgeries by Collier, Cunningham and young William-Henry Ireland; the only answer that can be offered here, is that the entire fairytale of Marlowe's death, including the circumstances that were portrayed then, could have been an elaborate cover up. But let us see what Marlowe's roommate was saying back then.

x. Thomas Kyd

Thomas Kyd's Accusations on Christopher Marlowe¹²⁸

Pleaseth it your Honourable Lordship touching Marlowe's monstrous opinions as I but with an aggrieved conscience think on him or them so can I but particularize few in the respect of them that kept him greater company, howbeit in discharge of duty both towards God your Lordships and the world thus much have I thought good briefly to discover in all humbleness.

First it was his custom when I knew him first and as I hear said he continued it in table talk or otherwise to jest at the divine Scriptures gibes at prayers, and strive in argument to frustrate and confute what hath been spoke or writ by prophets and such holy men.

¹²⁷ *Christopher Marlowe and his Associates*, (1904).

¹²⁸ BL Harley MS. 6848 f.154.

He would report St. John to be our savoir Christ's Alexis I cover it with reverence and
trembling that is that Christ did love him with an extraordinary love.

That for me to write a poem of St. Paul's conversion as I was determined he said would be as if
I should go write a book of fast and loose, esteeming Paul a Juggler.

That the prodigal Child's portion was but fewer nobles, he held his purse so near the bottom in
all pictures, and that it either was a jest or else fowl nobles then was thought a great patrimony
not thinking it a parable.

That things esteemed to be done by divine power might have as well been done by observation
of men all which he would so suddenly take slight occasion to slip out as I, and many others, in
regard of his other rashness in attempting sudden privy injuries to men did over slip though
often reprehend him for it and for which God is my witness as well by my Lord's
commandment as in hatred of his life and thoughts I left and did refrain his company.
He would persuade with men of quality to go unto the King of Scots whether I hear Royden is
gone and where if he had lived he told me when I saw him last he meant to be.

It is very interesting that Kyd mentions King James. Ironical even, for it is well documented,
that Robert Cecil was secretly writing to James prior to Elizabeth's death in order to bring the
Scottish King to England and be crowned King of England. There is another letter written by
Kyd after Marlowe's assassination, where he tries to reason why he was suspected as being
Marlowe's partner. There is no doubt that Kyd, when arrested, underwent the trials of torture to
confess whatever it was Elizabeth's Privy Council needed in order they arrange some story that
could be fed to the British public so Marlowe's death be justified. Before giving Kyd's next
letter, I once again quote from Ingram: "The facts of the fatal incident [Marlowe's
assassination] are involved in mystery. According to the account given some years later by
William Vaughan, a certain man had invited Marlowe 'thither to a feast, and was then playing

at draughts,' when, for some unspecified reason, he was attacked by the poet, who was so severely wounded by his opponent's dagger that he shortly after died." ¹²⁹

Thomas Kyd's letter to Sir John Puckering, Knight,
Lord Keeper of the Great Seal of England
June 1593 ¹³⁰

At my last being with your Lordship to entreat some speeches from you in my favour to my Lord, [Strange,] who (though I think he rest not doubtful of mine innocence) hath yet in his discrete judgment feared to offend in his retaining me, without your honours former privacy; so is it now right honourable that the denial of that favour (to my thought reasonable) hath moved me to conjecture some suspicion, that your Lordship holds me in, concerning Atheism a deadly thing which I was undeserved charged withal and therefore have I thought it requisite, as well in duty to your Lordship and the laws, as also in the fear of God and freedom of my conscience, therein to satisfy the world and you. The first and most (thought insufficient surmise) that ever as therein might be raised of me grew thus.

When I was first suspected for that libel that concerned the State, amongst those waste and idle papers (which I care not for) and which unmasked I did deliver up, were found some fragments of a disputation touching that opinion, affirmed by Marlowe to be his, and shuffled with some of mine (unknown to me) by some occasion of our writing in one chamber two years since. My first acquaintance with this Marlowe, rose upon his bearing name to serve my Lord although his Lordship never knew his service, but in writing for his players, for never could my Lord endure his name, or sight, when he had heard of his conditions, nor would indeed the form of divine prayer used duly in his Lordship's house have quadred with such reprobates. That I should love or be familiar fiend, with one so irreligious, were very rare. When Tullie saith *digni sunt amicitia quibus in ipsis inest causa cur diligentur*, [those whom there is reason

¹²⁹ Ingram, *Marlowe and his Poetry*, (1914).

¹³⁰ Preserved in the Harleian MSS. are endorsed on the back, *12 May 1593*. This endorsement is evidently erroneous, since Kyd confessed in April 1593 (Prisoner X) already being tortured to condemn Marlowe. The letter's content is self evident it was written after Marlowe's death (May 30) and not on May 12.

to esteem are worthy of friendship,] which neither was in him, for person, qualities, nor honesty, besides he was intemperate and of a cruel heart, the very contraries to which, my greatest enemies will say by me.

It is not to be numbered amongst the best conditions of men, to tax or to upbraid the dead *quia mortui non mordent*. [because the dead do not bite.]

But thus much have I (with your Lordship's favour) dared in the greatest cause, which is to clear myself of being thought an Atheist, which some will say he was.

For more assurance that I was not of that vile opinion, let it but please your Lordship to enquire of such as he conversed withal, that is (as I am given to understand) with Hariot, Warner, Royden, and some stationers in Paul's Churchyard, whom I in no sort can accuse nor will excuse by reason of his company, of whose consent if I had been no question but I also should have been of their consort, for *ex minimo vestigio artifex agnoscit artificem*. [an artist recognizes an artist by the slightest trace.]

Of my religion and life I have already given some instance to the late Commissioners and of my reverend meaning to the State, although perhaps my pains and undeserved tortures felt by some, would have engendered more impatience when less by far hath driven so many *imo extra caulas* [nay, outside the sheepfold] which it shall never do with me.

But whatsoever I have felt right honourable this is my request not for reward but in regard of my true innocence that it would please your Lordship so to the same and me, as I may still retain the favours of my Lord, whom I have served almost these six years now, [by 1587 Kyd was working as a spy to Walsingham,] in credit until now, and now am utterly undone without herein be somewhat done for my recovery.

For I do know his Lordship holds your honours and the state in that due reverence, as he would no way move the least suspicion of his loves and cares both towards her sacred Majesty your

Lordship's and the laws whereof when time shall serve I shall give greater instance which I have observed.

As for the libel laid unto my charge I am resolved with receiving of the sacrament to satisfy your Lordship and the world that I was neither agent nor consenting thereunto. How be it if some outcast Ismael for want of his own dispose to lewdness, have with pretext of duty or religion, or to reduce himself to that he was not born unto by any way incensed your Lordship to suspect me, I shall beseech in all humility and in the fear of God that it will please your Lordship but to censure me as I shall prove myself, and to repute them as they are indeed. *Cum totius iniustitia nulla capitalior sit quam eorum, qui tum cum maxime fallunt id agunt ut viri boni esse videantur.* [There is no more capital injustice than that of those men who strive to seem good at the time they are being particularly deceitful.]

For doubtless even then your Lordship shall be sure to break their lewd designs and see into the truth, when but their lives that herein have accused me shall be examined and ripped up effectually, so may I chance with Paul to live and shake the viper off my hand into the fire for which the ignorant suspect me guilty of the former shipwreck.

And thus (for now I fear me I grow tedious) assuring your good Lordship that if I knew any whom I could justly accuse of that damnable offence to the awful Majesty of God or of that other mutinous sedition toward the State I would as willingly reveal them as I would request your Lordship's better thoughts of me that never have offended you.

Th. Kydde

Although Kyd's latter letter is undated in the original, it was assumed to have been written in the summer of 1593, at some point after June 1; this, however, is the merest conjecture, as there is no clue whatever to the date of its composition. In the letter, Kyd is represented as referring to his arrest on the suspicion of being the author of, or concerned in the production of a libel that concerned the State, which appeared in April 1593, in the French Churchyard, and had his room ransacked for incriminating matter. What was discovered amongst his papers is

supposed to have given rise to his having been further suspected of Atheism. The letter also contains several Latin quotations written in an italicized handwriting differing from the rest of the document; and this italicized script is apparently that of the writer of the fragments, as a comparison will prove to any unprejudiced person. The last fragment was apparently signed, but, either by accident or intention, the signature has been torn off, or perhaps worn off, and only the first letter of it, either K or R, now remains. Under this circumstance, Marlowe may be acquitted of the authorship of the theological disputation upon these facts.

xi. Pressure from the spies

At some time after Marlowe's assassination, the spy Thomas Drury was under pressure and requested some attention from his bosses just as Kyd was seeking. They had done their duty to assist in Marlowe's destruction; they were now being swept aside; hence the following.

Thomas Drury's Letter to Anthony Bacon

August 1, 1593 ¹³¹

Sir,

The true love that I have ever born to your honourable father [Nicholas] as also to all his house hath forced me to single you out for many virtuous actions and desires that I know and hear to be in you to unfold as late accidents which are within my knowledge and for brevity sake and for avoiding you further trouble with such circumstance thus standeth the matters.

There was a command laid on me lately to stay one Mr. Bayns [Baines] which did use to resort unto me which I did pursue in time although then I did not so much as imagine where he was, I found him ought and got the desired secret at his hand. For which the city of London promised as also by proclamation was promised a hundred Crowns but not a penny performed and a fine evasion made.

¹³¹ Lambeth Palace Library, Bacon Papers MS, 649 f. 246.

After there was a libel by my means found and delivered an old book also by my deciphering taken and a notable villain or two which are close prisoners and [might] had matters against them of an exceeding nature and yet no reward but all the credit pulled ought of my mouth and I robbed of all.

Then after all this there was by my only means set down unto the Lord Keeper and the Lord of Buckhurst the notablist and violist are tickles of Atheism that I suppose the like were never known or read of in any age all which I can show unto you they [Baines's Note] were delivered to her Highness and command given by herself to prosecute it to the full but no recompense, no not of a penny.

Since that time there is old hold and shoe for to get the book that doeth maintain this damnable sect which book I presume there would be given great sums for and large promises offered in like manor but none of those will I trust but if I may secretly confer with you I and on that I have brought with me a merchant will give you such light as he and I can bring you to the man that doeth know who did write the book and they to how it was delivered as also who read the lecture and where and when with diverse such other secrets as the State would spend £1,000 to know and a better penny as himself affirmeth which man himself I can bring forth in love to you if he may be but buckled and rewarded, I can in like manor revel unto you an Alderman or two that do convey over money to the enemy and get named unto you their poisoned factors. In like manner, I can tell you of such a devise intended against the State by a Captain as never was heard of the like as I think.

I know I am not gras[iu]s in the sight of your brother [Francis] therefore if it please you either to [t]ake your coch or nage I will attend you and declare the rest of my mind and bring a right honest merchant with me which shall justify upon his other all that I have set down [and] I presume you shall know such a secret if you please to hear me a little and go on my way because I know the nature of the party as you have not been possessed of a good while.

Now Sir, I have used a faithful heart to you; I have given you the onset of this action which is notably sought after so use me and my friend as we may have cause to pray for you, and after you shall be possessed of the matters so recommend our services to the Lord Treasurer [Burghley] as we may receive sum reward and favour in his sight and thus praying to God for

you with a unified heart until I speak with you or know your pleasure I [am] staying at the waterside until I hear from you in Richmond said the first August.

Yours in all duty to command.

Thomas Drury

Did Anthony Bacon, then an Agent to the Earl of Essex, meet with Drury? If he did, it is not mentioned in Anthony Bacon's correspondence. Did this book that seemed to hold significant material really exist? If so, who was the author? It seems Drury sends another letter, two in fact, this time to Robert Cecil.

Letter from Thomas Drury to Sir Robert Cecil

August, 1593 ¹³²

I am committed from my Lord Chamberlain for abusing him unto you, as also for wicked speeches that could say I was able to make any Counsellor a traitor: Only this I do presume, that I told your honour it was others' practices and lies also and not my own, neither did so name it but that *exempli gratia*, how it might be so done to all mortal men, and so I presume it will be said by you.

If I have done you anything worthy of this rebuke, or have said or done that might deserve imprisonment, let it come with death rather than with favour. If my deserts be thus rewarded it will teach others more wit.

Alas Sir, why was I not committed by your own good hands which would have delivered me upon true cause? My Lord Chamberlain is too continually bent against me; his displeasure is everlasting and so is my misery. Banish me forever as my Lord thinketh meet, and I shall be bound to you, for if truth may take no place nor true meaning, farewell country, life and all.

¹³² HMC, Cecil, Vol. IV. pp. 366, 367.

Letter from Thomas Drury to Sir Robert Cecil

August 17, 1593 ¹³³

In all duty and lowliness of heart I most humbly thank your Honour for your liberality, as also for my liberty. [It seems that Cecil intervened after Drury's previous letter.] My Lord's pleasure was that I should be freely discharged from the prison; howbeit, they stay my cloak for the charges of the House.

I received your honourable letter, but if my Lord Chamberlain do detain my writings, I cannot anyway make an end. The stay of my writings hath been my utter undoing. I most humbly beseech your Honour to speak unto my Lord for them, for I dare not speak unto his Lordship, nor any friend I have. It pleased your Honour to promise me to speak unto the Lord Keeper that I should sue *in forma pauperis*; which licence I would most humbly beseech your Honour to procure me, now before my departure.

In like manner, I humbly pray your Honour to speak unto my Lord Chamberlain, to speak unto Sir Edmond and his son, to pay me the £100 I lent him, as also the £40 I lent unto my Lady his wife. Besides, I paid for velvet and other silks £30 for him and my Lady. I have, upon his entreaty, because I would not hinder the sale of his land, delivered him all his assurances again, and in my life I never received back again the value of £20.

And, gracious Sir, I do but desire to have but one suit of apparel of his old, and a couple of shirts, and what money either my Lord his father, or yourself shall judge, and I will give him a general acquittance for, so God help me. I have borrowed my cloak, and neither have shirt, doublet nor hose, that scant will cover my nakedness, and only that money I have had by your honourable means, is that must be my greatest comfort, under God, for a great season.

Thus, presuming of your honourable inclination to pity my miserable estate, because it hath pleased my Lord of Buckhurst and your Honour, that I should by writing acquaint your Honour with my bad and ruined estate, and not by coming, I humbly present my suit, in all humility craving your honourable speedy answer; for this town will consume me, it is so excessive dear.

¹³³ HMC, Cecil, Vol. IV. pp. 357-8.

So, Cecil got Drury released, either by Anthony Bacon's intervention, which is most probable, or by the knowledge that Drury was portraying he knew of Baines, the instigator of Marlowe's death. If the infamous book mentioned by Drury was given to Cecil or Anthony Bacon, we will never know, nor will we ever know of its content or who the author was.

A few documents are given in Appendix H; if they were arranged by Baker with forgery and inserted into the Harleian Collection or were falsified with misinformation by the Privy Council, can only be assumed. However, within these documents is Ingram Frizer's pardon which was given to him just four weeks after Marlowe's burial. Frizer was pardoned by the Queen. I let the readers judge for themselves what this could have meant.

CHAPTER 5. CONSPIRACIES & MYSTERIES PART 1

“All history is but a seamless web; and he who endeavors to tell but a piece of it must feel that his first sentence tears the fabric.”

—*Maitland*

A. Dr. William Parry



Figure 9: William Parry unable to assassinate the Queen
From Bishop George Carleton's ¹³⁴ *Faithful Remembrances* (1627)

i. The Penal Bill

The militant Protestants, during the years 1584 to 1587, were now paramount in Elizabeth's Privy Council, and soon made their influence felt, not only in foreign relations, but in home affairs as well. They were in favour of an aggressive policy in aid of Protestantism abroad and doubtless thought that the best way to strengthen their hands would be to strike at Prelacy at home; to discredit the last vestiges of the old faith against the foreign champions of

¹³⁴ Bishop George Carleton (1559–1628).

which they were ready to do national battle. Just months previous, the appointment of Whitgift to the Archbishopric of Canterbury had been avowedly made by the Queen on September 1583, for the purpose of repairing the effects of Grindal's leniency, and bringing the Nonconformists to obedience: "To hold a strait rein, to press the discipline of his church, and recover his province to uniformity." Whitgift had set about his work with a thoroughness which brought upon him a storm of reproach from ministers, and greatly embittered the controversies within the church. How keenly he felt the attacks upon him for doing what he conceived to be his duty, can be seen in his letters that were printed in Strype's *Whitgift* and also in a letter to Anthony Bacon, printed in Birch's *Elizabeth*, of which an extract will be given: "I am, thank God, exercised with like calumnies at home also; but I comfort myself that lies and false rumours cannot long prevail. In matters of religion I remain the same, and so intend to do by God's grace during life; wherein I am daily more and more confirmed by the uncharitable and indirect practices, as well by the common adversary the papist, as also of some of our wayward, unquiet, and discontented brethren."

Burghley felt strongly on the question of uniformity, as involving obedience to the law; but Whitgift's "gift methods" were too severe even for him, and produced from him more than one rebuke. Leicester and Knollys were ceaseless in the attacks upon the prelates, and Whitgift's violence made it difficult for Burghley to defend him. So by the time that parliament met at the end of November, a formal complaint of the Puritan and Nonconformist Ministers was presented to the House of Commons, which, after reducing the number of its articles from thirty-four to sixteen, it was adopted and laid before the House of Lords. In the meantime, Leicester and his party had aroused Protestant horror to fever heat. At his instance an association had been formed, pledged by oath to defend the Queen's life or to avenge it, and to exclude forever from the throne any person who might benefit by the Queen's removal. Mary Stuart somewhat naturally regarded the last clause as directed against her, and endeavoured to take the sting from it by offering her own qualified adhesion to the association, which, however, was declined. When the association was legalized by a Bill in parliament, the Queen, under Burghley's influence, sent a message to the House, abating some of the objectionable features, and reconciling it with the rules of English equity. No penalties were to build up

before the persons accused had been found guilty by a regular commission, and Mary and her heirs were excused from forfeiture, unless Elizabeth were assassinated.

The new Bill against Catholics was easily passed; under feelings such as those prevailing in the House and the country, and the enactment was regarded as a natural retort to the spread of the Papal Bulls in favour of revolution in England. All native Jesuits and those termed seminarists, who were found in England after forty days, were to be treated as traitors, and it was felony to shelter or harbour them. English students or priests abroad were forced to return within six months and take the Oath of Supremacy, or incur the penalty for high treason; and many similar provisions were made, by which the world could see that the militant Protestants of England had picked up the gage thrown down by King Philip II and the Pope.

Almost the only dissenting voice in the House of Commons against the Penal Bill was that of Dr William Parry, member for Queenborough. In a violent and abusive speech, he said that the House was so evidently biased that it was useless to give it the special reasons he had for opposing the Bill, but would state them to the Queen alone. This was considered insulting; he was immediately committed to the charge of the Sergeant-at-Arms, but was released by the Queen and Council the following day. The events after this form one of the unsolved riddles of British history.

ii. Parry's denial

Historians have judged the character of Parry as bad, who for years had been one of Burghley's spies upon the English refugees on the Continent. Parry appears, however, to have been esteemed more highly by Burghley than such instruments usually were: When young Anthony Bacon was sent on his travels to France, his uncle Burghley specially instructed him to cultivate the acquaintance of Parry. Leicester complained to the Queen of this, but Burghley noted that his nephew should not be shaken either in loyalty or religion by his acquaintanceship with Parry. After the latter returned to England in 1583, he was elected Member of the Parliament of the following year, after having persistently but unsuccessfully begged a sinecure office.

From his first arrival, Parry had been full of real or pretended plots for the assassination of the Queen, which he professed to have discovered on the Continent. He was, like all men of his profession, “an unprincipled scamp,” and made these secret disclosures the ground for ceaseless demands for reward. He was disappointed and discontented, as well as vain and boastful, and overshot the mark, if you will. In one of his interviews with the Queen he produced a somewhat doubtfully worded letter of approval from the Papal Secretary of State, Cardinal Como,¹³⁵ which, he said, referred to a pretended project undertaken by him (Parry) for the murder of the Queen. He talked loosely to Charles Neville and other Catholics of this plot as a real one, and six weeks after his escapade in parliament, he was arrested.

iii. Parry's arrest

At first, Parry would admit to nothing, but the fear of the rack, or some other motive, produced from him a full and complete confession of a regular plan once, he said, nearly executed for killing Elizabeth; but before sentence was announced, Parry vehemently retracted, and appealed to the knowledge of the Queen, Burghley, and Walsingham that he was innocent. But if they possessed this knowledge they never revealed it, and Parry died the revolting death of a traitor, accusing to the last that Elizabeth herself was responsible for his sacrifice.

It cannot be doubted that Parry was an Agent provocateur, and great questions arise as to the reality of the crime for which he was punished. There is no trace in the Spanish correspondence of his having been a tool of Mendoza or Philip, such as exists in the cases of Throgmorton, Babington, and others; and the evidence generally favours the idea that he was deliberately caught in his own lure, and sacrificed in order to aggravate the anti-Catholic fervour in the country, and secure the passage of the penal enactments. However, all fingers pointed at Burghley as the author of the plan, though some favour it being the work of Leicester, Knollys, and Walsingham, because it was they, and not Burghley, who were anxious to strengthen the fervent Protestant party. It was they, and not Burghley, who were forcing the penal enactments through the parliament they had packed, though Burghley could hardly have

¹³⁵ Mendoza, writing to King Philip from Paris at the time, says that this letter was forged (Spanish State Papers, Elizabeth), but in any case the letter did not necessarily imply approval of murder.

been blind to what was going on, but he could not afford to champion Parry, who was a venal scoundrel known to be in Burghley's pay, but discontented with his patron, was doubtless bought by Leicester to play his part in parliament, and afterwards to confess the Catholic plot on the assurance of pardon, with the object of blackening the Catholics, and perhaps, by implication, Burghley as well. That Leicester's friends were at the time seeking to represent Burghley as against the Protestant cause, is clear from several letters written by Burghley, and one extract follows. "If they cannot prove all their lies let them make use of any one proof wherewith to prove me guilty of falsehood, injustice, bribery or dissimulation or double-dealing in Council, either with her Majesty or with her Councilors. Let them charge me on any point that I have not dealt as earnestly with the Queen to aid the afflicted in the Low Countries to withstand the increasing power of the King of Spain, the assurance of the King of Scots to be tied to her Majesty with reward, yea, with the greatest pension that any other hath. If in any of these I am proved to be behind or slower than any in a discreet manner, I will yield myself worthy of perpetual reproach as though I were guilty of all they use to bluster against me. They that say in rash and malicious mockery that England is become *Regnum Cecilianum* [Cecilianum Regime] may use their own cankered [cancer] humour."

In July of the same year, Burghley writes in similar dissatisfaction to Thomas Edmunds: "If you knew how earnest a course I hold with her Majesty, both privately and openly, for her to retain the King of Scots with friendship and liberality, yea, and to retain the Master of Gray and Justice-Clerk, with rewards to continue their offices, which indeed are well known to me to be very good, you would think there could be no more shameful lies made by Satan himself than these be; and finding myself thus maliciously bitten with the tongues and pens of Courtiers here, if God did not comfort me, I had cause to fear murdering hands or poisoning points; but God is my keeper."¹³⁶ The true instigators of Parry's peril, will remain in the shadows of time.

¹³⁶ Hatfield Papers (Part III).

B. Antonio Perez

i. The unravelling

Juan de Escovedo was Secretary to Don John of Austria who was the brother of King Philip II of Spain. When Escovedo was murdered, the “first murderer” as Shakespeare wrote, was Antonio Perez, a man trained in the service of Ruy Gomez, Philip’s famous minister, whose wife, Ana de Mendoza ¹³⁷ was aged thirty-two, when Escovedo was killed. This woman was blind in one eye in 1578, but probably both her eyes were brilliant in 1567, when she really seems to have been King Philip’s mistress, or was generally believed to be. When Escovedo was killed in 1578, there was no obvious reason to suppose that Philip was still admiring Ana de Mendoza’s charms; her husband (Gomez) had been created Prince d’Eboli, and had died in 1573. ¹³⁸ Mignet the historian has hypothesized that since she had become a widow, she wanted to distinguish her husband’s old secretary, at this date the King’s Secretary (Antonio Perez); if so, there seems no reason to suppose that Philip would have troubled himself about the matter, nor is it considered that Philip still loved her. However, Mignet insists that she had fallen for Perez and that he, not her, feared that Escovedo would denounce them to the King and so took his life.

Perez was said to be the natural son of his late employer Gomez, the husband of his alleged mistress. Probably Perez was nothing of the sort, and was the illegitimate child of a man of his own name. It could be that Ana de Mendoza circulated the other story to prove that her relations with Perez, though intimate, were innocent. As for Escovedo, he and Perez had been friends from a young age. While Perez passed from the service of Gomez to that of King Philip in 1572, Escovedo was appointed Secretary to the nobly adventurous Don John of Austria. The Court believed that he was intended to play the part of a spy on Don John, but he fell under the charm of that gallant heart, and readily accepted, if he did not inspire, the most daring projects of the victor of Lepanto, the Sword of Christendom. This was very inconvenient for the leaden-footed Philip, who never took time by the forelock, but always

¹³⁷ (b.1546)

¹³⁸ Froude says in 1567.

brooded over schemes and let opportunity pass. Don John, on the other hand, was all for forcing the game, and, when he was sent to temporize and conciliate in the Low Countries, and withdraw the Spanish army of occupation, his idea was to send the Spanish forces out of the Netherlands by sea. When they were on blue water he would make a descent on England; rescue the captive Mary Stuart; marry her; restore the Catholic religion, and wear the English crown. A good plot approved of by the Pope, but a plot which did not suit the genius of Philip.

In 1577, Perez, though a gambler and a profligate, who took presents from all hands, must have meant nothing worse than to serve Philip as he loved to be served, and keep him well informed of Don John's designs. Escovedo was not yet, according to Mignet, an obstacle to the amours of Perez and the King's mistress. However, Stirling-Maxwell (author) on the other hand, holds that the object of Perez already was to ruin Don John; for what reason, Stirling-Maxwell could not discover. Indeed Perez had no such object, unless Don John confided to him projects treasonous or dangerous to the government of his own master, the King.

Escovedo reached Spain in July 1577. He was not killed till March 31, 1578, though attempts on his life were made some weeks earlier. Mignet argues that, till the early spring of 1578, Philip held his hand because Perez lulled his fears; that Escovedo then began to threaten to disclose the love affair of Perez to his royal rival, and that Perez, in his own private interest, now changed his tune, and, in place of mollifying Philip, urged him to the crime. But Philip was so dilatory that he could not even commit a murder with decent promptitude. Escovedo was not dangerous, even to his mind, while he was apart from Don John. But as weeks passed, Don John kept insisting, by letter, on the return of Escovedo, and for that reason, possibly, Philip screwed his courage to the sticking point and Escovedo was stuck. Major Martin Hume (historian) however, argues that, by this time circumstances had changed, and Philip had now no motive for murder.

When the Ruthvens were killed at Perth, on August 5, 1600, in an affair mysterious of all mysteries which is detailed in chapter 5, the Rev. Robert Bruce, a stern Presbyterian, refused to believe that King James had not planned their slaughter; "but your Majesty might have secret reasons," said Bruce to the King, who, naturally and truly, maintained his own innocence. This looks as if Bruce, like the confessor of Philip, held that a King had a right to murder a subject for secret reasons of State. The Inquisition vigorously repudiated the doctrine, when

maintained by a Spanish preacher, but Knox approved of King Henry's (Darnley's) murder of Riccio. However, Perez had been commissioned to organize the murder of Escovedo, then handed the task to his steward, Martinez, who in turn asked a ruffian Page called Enriquez if he knew anybody in Murcia who would "stick a knife into a person." Enriquez replied: "I will speak about it to a muleteer of my acquaintance." He did, and the muleteer accepted. But later, hearing that a man of importance was to be knifed, Enriquez told Perez that a muleteer was not noble enough, and "the job must be undertaken by persons of more consideration."

Up to this point, Perez had absurdly mismanaged the business. All sorts of people were employed, and, after the murder, they fled, and began to die punctually in an alarming manner. Naturally Enriquez thought that Perez was acting like the Mures of Auchendrane, who dispatched a series of witnesses and accomplices in their murder of Kennedy. As they always needed a new accomplice to kill the previous accomplice, then another to slay the slayer, and so on, the Mures if not stopped would have depopulated Scotland. So Enriquez thought he would be next on the list, so he confessed in 1585 about the whole matter, and was corroborated by Diego Martinez who had sent Enriquez to Murcia, and gather certain poisonous herbs. The poison was tried on a fowl, which was not one penny the worse. But Martinez somehow procured certain liquids that were good to be given as a drink. Perez asked Escovedo to dinner; Enriquez served at the table and in each cup of wine that Escovedo drank, Enriquez put a nutshell full of water. Escovedo was no more poisoned than we were. It was ascertained that the beverage produced no effect whatever. A few days later, Escovedo again dined with the hospitable Perez. On this occasion they gave him some white powder in a dish of cream, and also gave him the poisoned water in his wine, thinking it a pity to waste the beverage. This time Escovedo became ill. Enriquez induced a scullion in the royal kitchen to put more of the powder in a basin of broth in Escovedo's own house, and for this the poor kitchen maid, who cooked the broth, was hanged in the public square of Madrid.

In spite of the resources of Spanish science, Escovedo persisted in living, and Perez determined that he must be shot or stabbed. Enriquez went off to his own country to find a friend who was an assassin, and to get "a stiletto with a very fine blade, much better than a pistol to kill a man with." Enriquez, keeping a good thing in the family, enlisted his brother, and Martinez brought "two proper kind of men" being Juan de Nera and Insausti, who, with the

King's scullion, undertook the job. Perez went to Alcala for the Holy Week, just as the good Regent Murray left Edinburgh on the morning of Darnley's murder after sermon. "Have a halibi" was the motto of both gentlemen. The underlings dogged Escovedo in the evening of Easter Monday. Enriquez did not come across him, but Insausti did his business with one thrust, in a workmanlike way. The scullion hurried to Alcala, and told the news to Perez, who "was highly delighted."

Perez visited France, where Henry IV befriended him; he visited England, where Sir Francis Bacon was his host. In 1594 (?) he published his *Relaciones* and told the world the story of Philip's conscience. That story must not be relied on of course, and the autograph letters of Philip as to the murder of Escovedo are lost. But the copies of them at The Hague are regarded as authentic, and the convincing passages are underlined in red ink. "Bloody Perez" as Bacon's mother called him, died at Paris in November 1611, outliving the wretched Master whom he had served so faithfully. Queen Elizabeth tried to induce Sir Amyas Paulet to murder Mary Stuart, but he, as a man of honour, refused; he knew, too, that Elizabeth would abandon him to the vengeance of the Scots. Perez ought to have known that Philip would desert him: His folly was rewarded by prison, torture, and confiscation, which were not more than the man deserved who betrayed and murdered the servant of Don John of Austria.

ii. Perez and the Bacon brothers

During these times, the determined efforts of Essex and his party, and more especially of the two Bacon brothers (Francis and Anthony) to wound and discredit the Cecils, stopped at no inconsistency. From their earliest childhood, the Earl and the Bacons had been attached to the Puritan party, and still posed as its champions; and yet they were the first to endeavour to cast upon Burghley the odium of the severe proclamation and fresh persecution of the seminary priests that had been considered necessary. From the action of Allen and Parsons, at the time of the Armada in 1588, and from the letters intercepted by Burghley disclosing the Jesuit plot in Scotland, it was beyond question, that whatever may have been the case at the beginning of their propaganda, the aim of the seminarists was simply to undermine and overturn the political government of the country.

And yet the Bacons, nephews of Burghley and sons of a fiercely Puritan mother, prompted by Standen, a double spy, and men of the same mischievous class, almost violently took up the cause of the persecuted Catholics when they thought it would injure the Kinsman Burghley to whom they owed so much, and his son Robert, of whom they were jealous. Francis Bacon frankly confessed that he adhered to Burghley's enemies because he thought it would be for his own personal advantage as well as for that of the State; and his brother Anthony wrote how "on the one side, I found nothing but fair words, which make fools fain, and yet even in those no offer or hopeful assistance of real kindness, which I thought I might justly expect at the Lord Treasurer's hands, who had inned my ten years' harvest into his own barn."¹³⁹

Essex received a strange and powerful coadjutor in his policy of aggressive war against Spain. The Earl and his Bacon friends, much to the Puritan Lady Bacon's concern, were already deep in confidence with the spy Standen and other double spies who were portraying as Catholics; the object apparently being to organize, for the benefit of Essex, a separate spy system independent of the universal network controlled by the Cecils. The new recruit to Essex was a man of a very different caliber to the other instruments. It was our Antonio Perez, the former all-powerful Minister of Philip II and assassin of Escovedo.¹⁴⁰

Perez can be characterized as was one of the most brilliant and fascinating scoundrels that ever lived, soon winning the good graces of the jolly Bearnais, who was already meditating what he called the "mortal leap" of going to Mass, and turning the Huguenot Navarre into the Catholic King of France, eldest son of the Church. Perez had depended much upon Elizabeth's help; although that had been slackening as Essex's influence waned, and he knew that the step he was about to take would turn her full fury upon him. Who other could so plausibly plead his case and inflame the hearts in England against Spain as this mordant foe of Philip, who knew every weakness, every secret, of his former master? So on a June day, Perez went to England with Henry's blessing, and with the cold permission of Elizabeth, for she had no love for traitors. Burghley knew Perez's errand. Essex soon got over his doubts, and plausible Perez

¹³⁹ Bacon Papers.

¹⁴⁰ Naunton writes a letter to Anthony Bacon, dated from Paris, September 23, 1597, in which he mentions, that Antonio Perez had complained to him of Anthony Bacon's coldness towards him; whose letters to him were more curiously and elaborately penned, than was compatible with their former familiarity, and favoured more of Francis Bacon's eloquence, than of Anthony's own ancient affection.

stood with Bacon ever at his right hand, living at his cost, writing his biting gibes, weaving his plots against Philip, and with his matchless ability and experience advising the young Earl Essex how best to drag England into war with Spain, even though Henry was a Catholic, and so to outwit the Cecils. It was not long before Perez flattered and slithered himself into the good graces of the Queen of England, who gave him a handsome pension. He gradually provided the war-party gaining ground in Elizabeth's Privy Council, where Raleigh too was on the side of Essex, and the ceaseless talk of the intrigues of the Jesuits kept the English war feeling at fever heat.

CHAPTER 6. CONSPIRACIES & MYSTERIES PART 2

“He [King James] raised storms and then cowered under the resultant tempests, ever seeking to interpose innocent scapegoats on whom to lay the blame.”

—*Alfred Dodd*¹⁴¹

“King James was perhaps the most experienced monarch in mysterious plots, and incomprehensible conspiracies that ever sat on a throne. He seemed at home in an examination of a suspected traitor; delighted in controversy; was an adept at an argument; was naturally timid and suspicious; had the good fortune to be served by some of the ablest of ministers; and yet was ruled by the most profligate and weakest of favourites.”

—*Cuthbert William Johnson*¹⁴²

¹⁴¹ *Francis Bacon's Personal Life Story*, Vol. II. 1986.

¹⁴² *The Life of Sir Edward Coke*, (1845).

A. The Gowrie-Ruthven plot

i. An innocent invitation

Tuesday, August 5, 1600, and the King after hunting for four hours, rides to visit Lord Gowrie-Ruthven, a neighbour. After lunch, that nobleman and his brother are slain in their own house by the King's attendants. The King gives his version of the events instantly; he never varies from it in any essential point, but the story is almost incredible. On the other hand, the slain men cannot speak, and only one of them, if both were innocent, could have actually told what occurred. But he never did. The official version of the story is as follows.



Figure 10:
James about to take assay of the deer

“The weather,” says King James, “being wonderful pleasant and seasonable,”¹⁴³ accompanied him to the pleasant house of Falkland. With him on horseback were the Duke of Lennox and the Earl of Mar, who were friends of James from his youth. At the stables, hacks were discarded, hunters were led out, men were mounted, and the King had his foot in the stirrup, when a young gentleman, the master of Gowrie-Ruthven, rode swiftly up from the town of Falkland. He had trotted over, very early from the town house at Perth (some twelve or fourteen miles away) from his brother's estates, Alexander the Earl of Gowrie-Ruthven. The young master was nineteen, tall, handsome, and brother of the Queen's favourite maid-of-honour, Mrs. Beatrix Gowrie-Ruthven. That he was himself one of the gentlemen of the royal household has often been said, but there is no trace of money spent for him in the royal accounts: In fact, he had asked for the place, but had not yet obtained it.¹⁴⁴ However, if we

¹⁴³ Pitcairn's *Criminal Trials of Scotland*, Vol. II. p. 210. The King's Narrative.

¹⁴⁴ *Ibid.*, Treasurer's Accounts, MS.

may believe the royal word and what James stated, which is a matter of choice, he “loved the young master like a brother.”

Young Gowrie-Ruthven approached James, and entered into conversation with him. After some time, Lennox dispatched his groom for his sword, and for a fresh horse (another was sent after the King) who then mounted and followed. When Lennox rejoined James, the King said: “You cannot guess what errand I am riding for; I am going to get a pose [hidden treasure] in Perth. The master of Gowrie-Ruthven [Alexander] has informed me that he has found a man with a pitcher full of gold coins of great sorts.” This was by no means so improbable a tale when the King was given to understand that a strange man, who was an emissary of the Court of Spain, had been furnished with a quantity of gold for the purpose of exciting commotions. So James asked Lennox what he thought of the young man, whose manner he reckoned very strange. “Nothing but an honest, discreet gentleman,” had replied the Duke. The King next gave details about the treasure, and Lennox said he thought the tale “unlikely” as it was, more or less. James then bade Lennox say nothing on the matter to Alexander Gowrie-Ruthven, who wanted it kept a secret.

At about a mile from Perth, young Gowrie-Ruthven galloped forward, to warn his brother he had met the royal party. This was about one o’clock in the afternoon. The royal party, of thirteen nobles and gentlemen, then entered the Gowrie-Ruthven house. The King was led by Alexander himself, and then taken to the dining chamber on the left of the great hall. Lennox, Mar, and the rest of the company waited in the grand hall. Apparently, no dinner had been prepared, and even a drink for James was long in being served. Alexander and his young brother kept going in and out, servants were whispered to, and Sir Thomas Erskine sent a townsman to buy him a pair of green silk stockings in Perth. Lennox noted how “dinner not ready for his hungry Majesty, till an hour after his arrival; was not ready, indeed, till about two o’clock.” This points to either James was not expected, or Alexander did not wish to alert his servants that the King was expected; either way, Alexander had dined between twelve and one o’clock, the royal party had arrived just when Alexander had finished dining.

At one point, Lennox went to rejoin James who now passed, with the young Gowrie-Ruthven across and out of the hall; Lennox was stopped by Alexander: “His Majesty was gone upstairs quietly some quiet errand.” Alexander then called for the key of the garden gate,

situated on the banks of the Tay. They all went into the garden, where, one of them tells us, they ate cherries. While they were engaged, Alexander's stable boy, or equerry as then called, Thomas Cranstoun, suddenly appeared: "The King has mounted, and is riding through the Inch." ¹⁴⁵ Alexander shouted: "Horses! Horses!" Cranstoun yelled, "Your horse is at Scone," which was some two miles off. Why Alexander that day kept his horse so remote, in times when men of his rank seldom walked, we do not know, but the next we learn, is James at a window screaming "bloody murder!"

ii. A tie, slight as a silver ribbon

The events told up to this point did occur, and one cannot reject James's account merely because it is unlikely. The improbabilities, however, were enormously increased by the King's theory that the Gowrie-Ruthvens meant to murder him and commit high treason. Many theories circulated as to what might have happened; very few believed James's account that he had to kill the Gowrie-Ruthven brothers due to their attempt to assassinate him. One theory is probably, which rests on a personal nature for James to eliminate Alexander, because Queen Anne of Denmark (James's wife) had sometime earlier been implicated with the Gowrie-Ruthvens; but she is only connected with it by a tie, slight as a silver ribbon, according to the following tale of Court gossip.

One day, in the summer preceding the birth of Charles I, the Queen was walking in the gardens of Falkland Palace with her favourite maid of honour, Beatrice [Gowrie-Ruthven,] when they came up to a tree, under which Alexander Ruthven, who was but a youth of nineteen, laid fast asleep, overcome by the heat, or violent exercise. The Queen, it is said by some, and by others [his sister Beatrice] tied a silver ribbon round his neck, which had recently been given to the Queen by the King, without disturbing his repose.

Presently, King James himself came by, with his attendants; the silver ribbon caught his attention, and he bent over the sleeper, and gazed on it very earnestly. The King, instead of

¹⁴⁵ The Inch of Perth, where the famous clan battles of thirty men aside had been fought centuries ago.

waking Ruthven, (who, by the way, was a gentleman of his own bed-chamber) and asking him how he came by the ribbon went his way, leaving the youth still sleeping. Back instantly came Beatrice, who had been anxiously watching the demeanour of the King, twitched the ribbon from round her brother's neck and fled, leaving him, it must be supposed, in a sleep as sound as the Celtic hero Oscar, who could only be roused by a monstrous stone being hurled against his head. Meantime, Beatrice rushed into the Queen's presence, and threw this ribbon into a drawer, telling her Majesty that her reason for so doing would be presently discovered.

King James, directly after, entered on the scene, and demanded the sight of his silver ribbon, in the tone of Othello asking for the fated handkerchief; but the Queen, luckier than Desdemona, quietly took out the silver ribbon from the drawer into which Beatrice had just shut it, and placed it in his hands. James examined it earnestly for some time, and then pronounced: "Evil take me, if like be not an ill mark."

From this pantomimic story, the writers of the seventeenth century have drawn the inference that King James himself contrived the Gowrie-Ruthven plot against his own life in order to revenge his jealous suspicions against the youth, Alexander, and his Queen; yet, as the sister of the hero of the tale was concerned throughout the whole of the fantastic trifling with the silver ribbon, there is no reason to fix any stigma on the Queen, or on anyone else.¹⁴⁶ But those acquainted with the physiology of plots in the sixteenth and seventeenth centuries, will not be surprised that such stories should have some hint of imagination.

Superstition was greatly excited by the deaths of the Gowrie-Ruthven brothers. Calderwood (historian) relates that the Sabbath day after their death, which fell on August 10, 1600, the most appalling apparitions were seen at the house: The windows of the room where the tragedy took place were flung violently open, flashings of fire were seen, and armed men leaned out of the windows weeping and wringing their hands, moaning and shrieking sounded for many nights throughout the desolate house.¹⁴⁷

¹⁴⁶ Pinkerton, *Life of the Earl of Gowry*.

¹⁴⁷ Strickland, *Lives of the Queens of England*, (1854), Vol. V.

iii. The debt

A more logical explanation of the tragedy may be this: James owed the Gowrie-Ruthvens a large sum, with accumulated interest, for expenses incurred by their father, when he was Lord Treasurer of Scotland between 1583 and 1584. James, in June 1600, gave Alexander Gowrie-Ruthven a year's relief from the pursuit of his father's creditors, hoping to pay him. This kind of mannerism that James had, was also seen in an incident that happened in 1614, and I give an extract of it from the correspondence of Chamberlain and Carleton, when James had imprisoned "Bruckshaw, hath lain this month or five weeks in the Marshalsea [prison] with six or seven of his companion brewers, for that they will not yield to have their drink taken to serve the King without money; for the King's brewer cannot get a groat of £16,000 that is owing to him for beer; so that he hath neither money nor credit to hold out any longer. This term they attempted by law to remove themselves and to try their case; but they could not be relieved, for that there came a mandate from the King, whereby it is become a matter of state, and out of the compass of law."¹⁴⁸ The King cannot pay his brewers, and they will not serve him without payment, when he is indebted to them £16,000. They are to be kept in prison without the prospect of assistance from the law."¹⁴⁹

iv. The theories

In all probability, we will never be certain of the real intent behind the murder of the Gowrie-Ruthven brothers, nor if the story told by James was pure invention to conceal the truth, and to rob by forfeiture the family of Gowrie-Ruthven. But the account was told in the *Aulicus Coquinariae* (1651) attached to the pamphlet that discredited Anthony Welldon's *Character of King James* in the same year: "The most remarkable was that of Gowrie's conspiracy in Scotland. And I never read or heard (till our pamphlet) that Sir George Humes his gravity and wisdom ushered him into the secrets of the King (therefore) and chiefly to

¹⁴⁸ Birch: "A very creditable matter of state, certainly!"

¹⁴⁹ Thomas Birch, *The Court and Times of James the First*, (1848), Vol. I. Correspondence between Chamberlain and Carleton, dated February 16, 1614.

make good that story. The name of Ruthven in Scotland was not notorious, until 1568, when Ruthven, amongst others, confederates, in those divided times of trouble, laboured much for the imprisoning Queen Mary, mother of King James.” The author is inaccurate, because William, the fourth Lord Ruthven, could not have been concerned in imprisoning Queen Mary for having fled for his deep participation in the murder of David Rizzio, because he died at Berwick in 1566. On the other hand, Osborne (historian) states how “the object of the plot against James must remain a mystery, but its reality is now unanimously admitted by historians; nor indeed is a contrary supposition consistent with James’s character. For if his good-nature, which was considerable, had not prevented his laying a scheme to assassinate the two brothers in their own castle, his cowardice, which was excessive, would certainly have prevented his being present in person at an enterprise of such dubious issue.”¹⁵⁰ Osborne seems to attribute the death of the brothers to the King’s jealousy from the silver ribbon incident; and the opinion of an intrigue between Queen Anne and the Earl’s brother was also assumed by the learned Pinkerton as the ground of the conspiracy. Harris, another historian, may also be quoted here: “Osborne tells us, no Scotchman you could meet beyond sea but did laugh at it [Gowrie-Ruthven plot] and the peripatetic politicians said, the relation in print did murder all possibility of credit. But I will not wade farther in this business, not knowing how dangerous the bottom may prove, being by all men’s relations foul and bloody, having nothing to palliate it but jealousy on the one side, and fear of the other. And indeed the relation of this affair in Spotswood is confused and marvelous. The drawing the King to Perth; the getting him from dinner to examine a stranger; [in possession of gold;] the discourse of Gowrie’s brother with him; and his stout and gallant behaviour (which in no other part of his life appeared); and his causing the two brothers to be killed, when he might with the same ease have secured them; [arrested them;] the denials of Gowrie’s servants of their knowledge of the affair, are circumstances which are not easily to be swallowed by the inquisitive or skeptical.”¹⁵¹ Sir Henry Neville, in a letter to Winwood, writes that out of Scotland it’s heard there is no “good agreement between the King of Scots and his wife, and many were of opinion, that the discovery of some affection between her and the Earl Gowrie’s brother (who was killed with

¹⁵⁰ Osborne’s *Traditional Memoirs*.

¹⁵¹ Harris, *Historical and Critical Account*, (1814), Vol. I.

him) was the truest cause and motive of all that tragedy.”¹⁵² Sir Henry Neville supported the romantic ribbon story.

¹⁵² Winwood's *Memorials of Affairs of State in the Reigns of Elizabeth and King James I* (London, 1725), Vol. I. p. 274. Fol. letter dated November 15, 1600.

B. The gunpowder plot

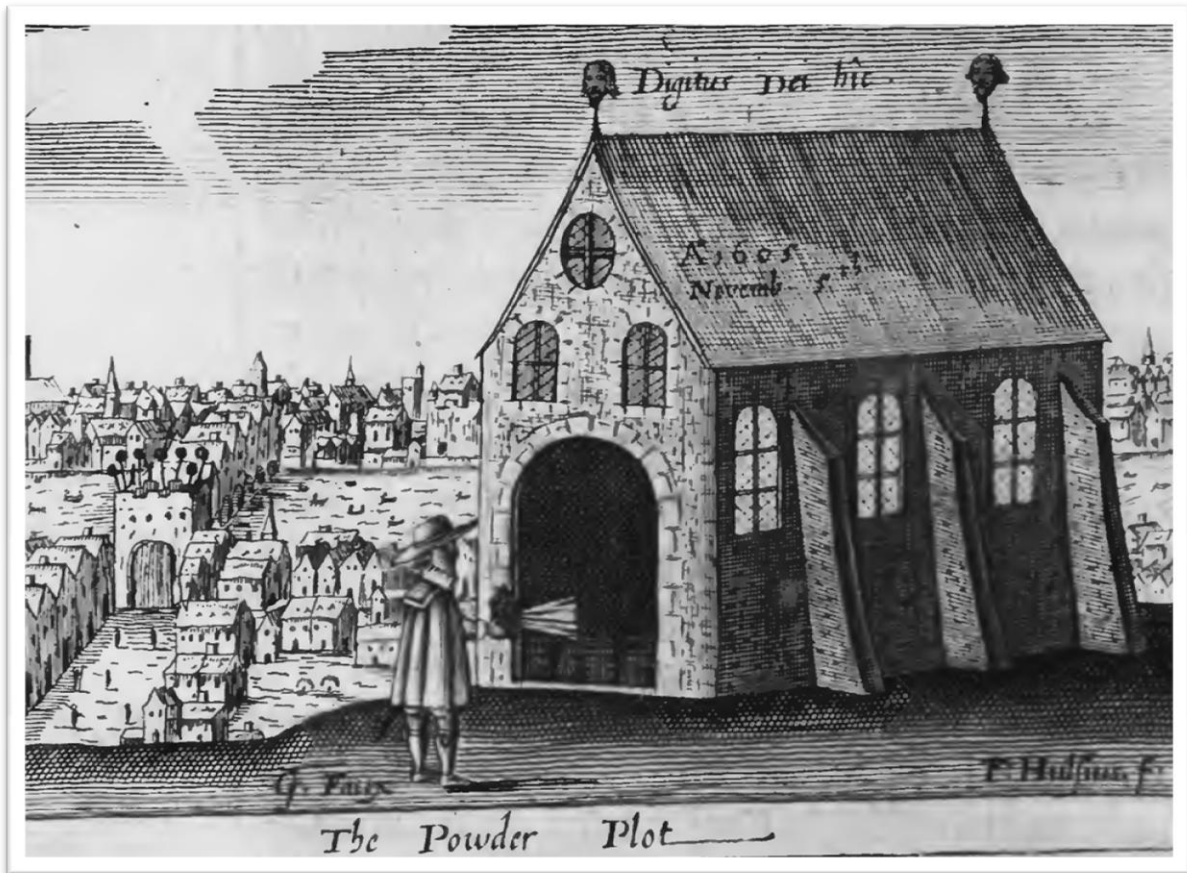


Figure 11: From Bishop George Carleton's *Faithful Remembrances* (1627)

The following account of the gunpowder plot is partly based on the Domestic and Foreign State Papers dealing with the Reign of James, (the official government version) now preserved at the Public Record Office, and at the British Museum.¹⁵³ Other references come from an enormous volume of evidence from personal correspondence of the time. Unfortunately, all records relating to the event for 1605 are missing from the Tower of London archives. Additional sources I have taken material from would be past historians and authors writing on the account, as William Harris who wrote how the plot was well known by the papists; they had denied the fact, and credited Sir Robert Cecil to have been the mastermind. "Others of

¹⁵³ Additional MSS. 6178.

opposite principles have confidently asserted, ‘that there never was any such thing’ really as the gunpowder plot, but that it was a plot of King James’s contriving, to endear himself unto the people.”¹⁵⁴ Harris concluded. A similar point of view was also held by the historian Causabon and many others.

Let us delve into the history ourselves, and see if we can derive our own conclusions on who the jugglers were, and what really happened.

i. Elizabeth’s death circulated

When Elizabeth died on March 24, 1603, there were some prejudices against the accession of a foreigner, and as the crown had not always descended in a regular succession, the Elizabethan Privy Council did not immediately upon the notice of Elizabeth’s death proclaim James as King, but spent several hours in deliberating together, and in feeling each other’s pulses on this important subject. Under such circumstances the High Sheriff of Hampshire took a bold and decided decision, which proved his attachment to the House of Stuart: Instead of waiting for the orders of the Privy Council in London, and on hearing that Elizabeth was dead, this sheriff hurried over to Winchester, and there proclaimed James, King of England.

This bold fellow was Sir Benjamin Tichborne. He came from a family more ancient in England than the conquest who had been knighted by Elizabeth in 1601 in her progress to Basing. It may seem extraordinary that Elizabeth should lavish her favours on known Catholics, as the Mayor of Winchester, Sir Henry Tichborne, Lord Montague, and the Earl of Southampton just to name a few who were Catholic; yet so the case stood.¹⁵⁵

Apart from Tichborne, there was another hasty messenger who wanted to give the news of Elizabeth’s death, this time directly to James; and this was Sir Robert Carey. He waited under the windows of the Palace at Richmond, until a token ring was thrown to him. He then sped to Scotland. But let us hear about this venture from Carey himself.

¹⁵⁴ (a) *An Historical and Critical Account*, (1753); (b) Causabon, *Of Credulity and Incredulity*, (London, 1668), Vol. I. p. 202, 8vo.

¹⁵⁵ (a) Nichols, *Progresses of King James I*, (1828), Vol. I; (b) Drake’s *History of York*, p. 130; (c) In 1621 King James permitted Sir Benjamin Tichborne the privilege of retaining the chantry chapel in recognition of his help in securing Hampshire at his accession in 1603.

Very early on Saturday, I took horse for the north, and rode to Norham about twelve at noon, so that I might have been with King James at supper time; but I got a great fall by the way, that made me shed much blood. I was forced to ride at a soft pace after, so that King James was newly gone to bed by the time I knocked at his gate. I was quickly let in, and carried up to his chamber. I kneeled by him, and saluted him by his titles of King of England, Scotland, France, and Ireland. The King gave me his hand to kiss, and bade me welcome. He inquired of the manner of Queen Elizabeth's death and sickness. He asked what letters from the Privy Council. I told him none; yet had I brought him a blue ring from a fair Lady, which I hoped would give him assurance that I reported the truth. He took it and looked upon it, and said, 'It is enough; I know by this you are a true messenger.' Then he [James] committed me to the care of the Lord Hume,¹⁵⁶ charging him that I should want for nothing. He sent for his surgeons to attend me, and, when I kissed his hand to withdraw, he said these gracious words: 'I know you have lost a near Kinswoman,¹⁵⁷ and a loving mistress; but here, take my hand, I will be as good a master to you, and will requite this service with honour and reward.'

King James kept a constant and private correspondence with several persons of the English Court during many years before Elizabeth died. Among them was Lady Scroope, sister to Sir Robert Carey, to whom James sent, by Sir James Fullerton, a sapphire ring, with positive orders to return it to him by a special messenger as soon as the Queen was actually dead. Lady

¹⁵⁶ Wood's *Douglas*, Vol. I. p. 736: "Alexander Hume, sixth Lord Hume, was served heir to his father November 1, 1580, in the offices of Sheriff of Berwick and Bailie of Laudurdale. He stood high in the favour of King James; and was very instrumental in suppressing the insurrection of Bothwell in 1592, for which he had a grant of the dissolved Priory of Coldingham. Being a Roman Catholic, he made his repentance in the New Kirk, before the Assembly, on his knees, May 17, 1594; and in 1599 he was sent on a secret Embassy to Rome, to gain the favour of the Roman Catholic Princes, as a necessary precaution towards facilitating James's accession to the English throne. He was sworn a Privy Counselor to James whom in April 1603, entertained at Dunglass, and accompanying the King to England, was there naturalized. He was created Earl of Hume and Lord Dunglass, to him and his heirs male whatever, March 4, 1604; had charters of the benefices of Coldingham and Jedburgh, united into the temporal Lordship of Coldingham, May 20, 1610; and of East Gordon and Fogo, February 7, 1612. Alexander Hume died April 5, 1619."

¹⁵⁷ Sir Robert Carey and his sister were cousins, in the third degree to Queen Elizabeth by descent from Mary Boleyn and William Carey. Elizabeth's mother (Anne Boleyn) was from a noble family. Her father Thomas was the Earl of Wiltshire and her mother was the daughter of the Duke of Norfolk.

Scroope had no opportunity of delivering it to her brother whilst he was in the Palace of Richmond; but waiting at the window till she saw him, threw the ring down to him.¹⁵⁸

I was then sworn of his [King James's] bed-chamber, and that very evening I helped to take off his clothes, and stayed till he was in bed. Upon the report of the Queen's death, the East Border broke forth into great unruliness, insomuch as many complaints came to the King thereof. I was desirous to go to appease them, but I was so weak and ill of my head, that I was not able to undertake such a journey; but I offered that I would send any two deputies, that should appease the trouble and make them quiet, which was by them shortly after effected. Now I was to begin a new world; for, by the King's coming to the crown, I was to lose the best part of my living. For my office of Wardenry ceased, and I lost the pay of forty horses, which were not so little both as £1,000 per annum. Most of the great ones at Court envied my happiness, when they heard I was sworn of the King's bed-chamber; and in Scotland I had no acquaintance; I only relied on God and the King. The one never left me, the other, shortly after his coming to London, deceived my expectation, and adhered to those that sought my ruin.

Lord Corke at the time offered his opinion and some insight on Carey's sayings that will further lead us to understand James's attitude: "Neither the severities of Osborne, nor the more just censure of Rapin, nor several bitter strokes that have been vented by every late writer against James have wounded that Monarch so effectually as what here falls from Sir Robert Carey's pen. Osborne may be said to write with rage; Rapin not to be totally free from prejudice; most of the others, to swim with the stream, and not to give themselves sufficient time to weigh the good and evil; but the author of these memoirs appears so evidently void of that haste which accompanies revenge, that what he here says of himself and his royal master may be depended upon as a truth; a truth that shows how unhappily King James was governed by favourites, and how easily he forgot his promises."¹⁵⁹

¹⁵⁸ Brydges's *Peers of King James*, p. 413.

¹⁵⁹ Lord Corke, *Sir Robert Carey's Memoirs*.

However, an official criticism was printed regarding Carey's writings, and it comes from the State Papers of the time. It presents Carey as being unable to disguise his selfishness: "At the same time, they greatly reprobate the officiousness of the self-appointed envoy, Carey; this probably caused his hope for reward to be delayed some months. He mourns over his disappointed hopes, in his autobiography, with so little disguise of selfishness, that his lamentations are truly laughable."

The hurried expedition of Carey was quickly followed by an express from the English Privy Council inviting James to come to London, and take possession of his hereditary right, as he had been proclaimed, on March 24, 1603, King of England, by the title of James I, and the inhabitants that night lit bonfires; an event that grief for the loss of their late mistress was confined to a few.¹⁶⁰ The expense of James and his train in his journey from Scotland appears from an authenticated statement to have been £10,752 whereas funeral charges of Elizabeth were £17,498.¹⁶¹

ii. Robert Cecil

A French writer, M. L'Abbé Destombes, had observed that the plots undertaken under Elizabeth and James have this feature in common: "That they proved, one and all, extremely opportune for those against whom they were directed."¹⁶² To such a policy, the gunpowder plot was no exception. Whatever be the true history of its origin, it certainly placed in the hands of Sir Robert Cecil a most effective weapon for the enforcement of his favourite policy, and materially strengthened his own position. Without doubt, the sensational manner of the plot's discovery largely contributed to its success in this respect, as we shall see.

It must be remembered that at the period with which we have to deal, the Chief Minister of King James was Sir Robert Cecil (Earl of Salisbury) the political heir of his father, Lord Burghley and of Sir Francis Walsingham, his predecessor in the office of Secretary. It is clear Cecil had inherited from them ideas of Statesmanship of the order then in vogue, and from

¹⁶⁰ Devereux B. Walter, *Lives and Letters of the Devereux Earls of Essex, in the Reigns of Elizabeth, James I, and Charles I*, (1853); Vol. II.

¹⁶¹ Nichols, *Progresses of King James I*, (1828), Vol. I.

¹⁶² *La persécution en Angleterre sous le règne d'Elizabeth*, p. 176.

nature, the kind of ability required to put these plots successfully in practice. If anyone could do it, he could.

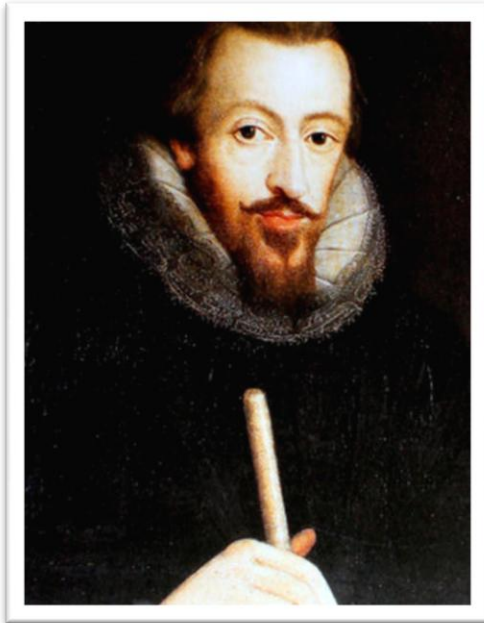


Figure 12: Sir Robert Cecil
Earl of Salisbury

“This great Minister of State and the staff of the Queen’s declining age,” Sir Robert Naunton had noted; “though his little crooked person could not provide any great support yet it carried thereon a head and a headpiece of vast content, and therein, it seems, nature was so diligent to complete one, and the best part about him, as that to the perfection of his memory and intellectuals, she [Elizabeth] took care also of his senses, and to put him in *Lynceos oculos* [to pleasure him the more] borrowed of Argus, so to give him a perfective sight.”¹⁶³

Naunton then proceeds to give a striking instance showing “how docible” Cecil was. “His composure was but little above five feet in height, and, in the phrase of the time, ‘Crouchback.’” King James, who was not a man of much delicacy in such matters, was fond of giving him nicknames in consequence. Cecil wrote to Sir Thomas Lake, October 24, 1605: ‘I see nothing that I can do, can procure me so much avor, as to be sure one whole day what title I shall have another. For from Essenden to Cranborne, from Cranborne to Salisbury, from Salisbury to Beagle, from Beagle to Thorn Derry, from Thorn Derry to Parret [parrot] which I hate most, I have been so walked, as I think by it I come to Theobalds, I shall be called Tare or Sophie.’”

While enjoying the entire confidence of Elizabeth, her Minister of State Cecil was engaged in a secret correspondence with James, which she would have regarded as treasonable; he carefully concealed this correspondence for a century avoiding suspicion. Upon this

¹⁶³ R. O. Dom. James I, Vol. XV. p. 105.

recorded fact, there is concrete evidence, that while similarly trusted by James, and while all affairs of States were entirely in Cecil's hands, he was in receipt of a secret pension from the King of Spain, the very Monarch any communication with whom James treated as treason on the part of others.¹⁶⁴ Even at the trial of the Earl of Essex in 1601, the latter declared Cecil the Spanish Infanta to be the rightful heir to the crown, and though Cecil vehemently denied the imputation, he equally repudiated the notion that he favoured the King of Scots. Moreover, the Spanish Ambassador had dealings with Cecil, and pronounced him to be a "venal traitor" who was ready to sell his soul for money, while another ambassador stated that it was in his power to have charged Cecil with "unwarrantable practices." Similarly, we hear from French ministers writing how it was impossible for Cecil to speak the truth even to friends; and, how the latter had the power to remove from his path every rival who seemed likely to jeopardize his tenure of power. After the gunpowder plot, Cecil, in reward of his services on this occasion, received the Order of the Garter at Windsor on May 20, 1606, and was honoured on the occasion with an almost regal triumph.¹⁶⁵

If anything, Cecil had the highest motive to orchestrate the conception of such a plot; he had the greatest requirement to manipulate the blame on the Catholics; and, finally he had the power to arrange for aborting the plot.

iii. Origins of gunpowder

Friar Roger Bacon,¹⁶⁶ whose works were written at Oxford about the year 1270, has expressly named the ingredients of gunpowder as a well-known composition at the time, used specifically for diversion purposes: "An artificial fire that shall burn at any distance, can be composed of salt-petre [rock-salt] and other ingredients; and afterwards a noise like that of thunder, and flashes as of lightning may be produced in the air, more terrible than those caused by nature itself; for a small quantity of the composition, not exceeding a cubical inch, in bulk, duly applied, makes a dreadful noise, with violent flashings, and this may be done several

¹⁶⁴ (a) Digby to the King, S.P., Spain, Aug .8; (b) Gardiner, *History*, Vol. II. p. 216.

¹⁶⁵ Birch, *Historical View*, p. 256.

¹⁶⁶ (b.1214–d.1292 or 1294)

ways, whereby a city or an army may be destroyed. These are very wonderful things, if one knew how to use them with the just quantity of proper ingredients.”¹⁶⁷

The common story respecting the invention of gunpowder is about the year 1320, when one Bartholdus Schwartz, a German monk and student in alchemy, having in the course of his work mixed rock-salt, sulphur and nitre in a mortar, partly covered it with stone. By some accident it caught fire and blew the stone to a considerable distance. However, many more besides Schwartz are named to have discovered gunpowder: Salmoneus, Albertus and Magnus, are but a few. With respect to Schwartz, it is possible the story may be true, but it does not at all follow that gunpowder was not known before this incident; being more than probable that the same discovery may have been made by more than one person. Many authorities seem to prove that gunpowder was known in the East long before the invention attributed to Schwartz, and some even add the invention of artillery to the same date as the discovery of gunpowder.

There is a peculiar event that happened prior to the gunpowder plot, where King James was entertained in Stamford for the Easter term. This would have been the King's first visit to Burghley House which was then inherited by Thomas Cecil, Burghley's son and elder brother to Robert Cecil. On April 27, 1603, James left Burghley House towards Oliver Cromwell's estates and dined at Sir Anthony Mildmay's dwellings. The same day, “Wednesday in Easter week, there were thirteen persons slain and blown in pieces with gunpowder by misfortune, at the gunpowder-mill at Radcliffe, and did much other hurt in divers places.”¹⁶⁸ No other “accident” where gunpowder is involved has been recorded prior to 1605, and should this event have been a practice for the infamous gunpowder plot, can only be assumed at this point; however, what is certain, is that on Tuesday morning, November 5, 1605, a day appointed for the opening of a new parliamentary session, London rang with the news that in the course of the night a diabolical plot had been discovered: The King and legislature were to have been “destroyed at a blow.”

¹⁶⁷ *Antiquarian Repertory*, reprinted 1784.

¹⁶⁸ Howes's *Chronicle*.

iv. The conception of the plot

The official story goes as follows: On November 4, 1605, a great quantity of gunpowder was located in a chamber beneath the House of Lords. Hiding behind the barrels of gunpowder was a man calling himself John Johnson, who fully acknowledged his intention to have fired the magazine while the royal speech was being delivered, according to custom, overhead, and so to have blown King, Lords, and Commons into the air. At the same time, John Johnson refused to name his accomplices, or whether he had any. This man's real name was soon learned to be Guy, or Guido Faukes;¹⁶⁹ he "proved a most obstinate and unsatisfactory witness, and obstinately refused to give any evidence which might incriminate others."

Soon enough, the cellar, in which the powder was found, was tracked down to have been hired by Thomas Percy, a Catholic.¹⁷⁰ Not many hours after the discovery, fugitives were heard of in Warwickshire, Worcestershire, and Staffordshire, the native counties of several amongst the conspirators, attempting to rally others to their desperate fortunes, and to levy war against the crown. For this purpose they forcibly seized cavalry horses¹⁷¹ at Warwick, and arms at Whewell Grange, a seat of Lord Windsor. These proceedings having raised the country behind them, they were pursued by the sheriffs, and finally brought to bay at Holbeche, in Staffordshire, the residence of one Stephen Littleton, a Catholic.

The next day, Wednesday, November 6, 1605, the Bailiff of Stratford (William Wyatt) brought gunpowder in the town to protect the gaol and arm his constables. The Stratford schoolmaster Alexander Aspinall (Alderman) was busy counteracting a threat of Catholic plotters and purchased from the townspeople gunpowder, matches and muskets. Even in December, when practically all the plotters had been captured or killed, the threat of Catholic plotters was still perceived to be real. Aspinall also bought swords and daggers and hung them in the armoury next to the school.

¹⁶⁹ So he himself always wrote it.

¹⁷⁰ Thomas Birch, *The Court and Times of James the First*, (1848), Vol. I.

¹⁷¹ Also described as "Great Horses" or "Horses for the great Saddle."

v. The capture

It was soon advertised that thirteen men in all (including Guy Fawkes) were involved in the act: Francis Tresham, Robert Catesby, Thomas Percy, Robert Winter and his brother Thomas, John Wright and his brother Christopher, John Grant, Robert Keyes, Ambrose Rookewood, Sir Everard Digby and Thomas Bates. Three days after the discovery, (Friday, November 8, 1605,) Sir Richard Walsh who was sheriff of Worcestershire attacked Holbeche, and Catesby, Percy, and the two Wright brothers were killed or mortally wounded in the assault. The others were taken prisoners on the spot or in its neighbourhood, with the exception of Robert Winter, who accompanied by their host, Stephen Littleton, contrived to elude capture for upwards of two months, being at last apprehended in January 1606 at Hagley Hall in Worcestershire. All were taken to London; there they were frequently examined by the Privy Council, to trace further implications, and especially to involve the Catholic clergy. “The great object of the government now was to obtain evidence against the priests.”¹⁷² Gardiner wrote.

Torture was employed in the initial examination of the Privy Council, as is evident from the following extract of a letter written from Robert Cecil to Mr. Favat a month later, on December 4, 1605: “Most of the prisoners, have willfully forsworn that the priests knew anything in particular, and obstinately refuse to be accusers of them, yea, what torture so ever they be put to.”¹⁷³ Practically two months later, on January 15, 1606, a proclamation was issued declaring that the Jesuit Tesimond had proved to have been a “peculiarly practiser” in the treason, and a reward for his apprehension was announced. Clement Edmondes, writing to Thomas Edmondes on March 6, 1605, declared how “one of those priests that were taken at Abington’s house (of whom I doubt not but you have often heard) hath, within these two days, killed himself in the Tower by ripping up his belly with a blunt knife which he had to eat his meat. His name was Owen, and was a servant to Garnet, the provincial Jesuit.”¹⁷⁴

¹⁷² Gardiner, *History of England*, (1883), Vol. I. p. 267.

¹⁷³ British Museum. MSS. Add. 6178, fol. 625.

¹⁷⁴ Thomas Birch, *The Court and Times of James the First*, (1848), Vol. I.

vi. The anonymous letter

Before all the above took place, and ten days before the meeting of parliament on October 26, 1605, a Catholic peer named William Parker (Lord Mouteagle) receives an anonymous letter; it was shrouded in vague and incoherent language, warning him to absent himself from the opening ceremony of parliament. The letter was taken to Cecil, who “promptly divined” its meaning and the precise danger indicated, although he allowed James to fancy that he was himself the first to interpret it when it was shown to him five days later. This was made clear from a comparison of Cecil’s private letter to Cornwallis in Winwood’s *Memorials*,¹⁷⁵ with the official letter published.

Anthony Welwood (author) was of opinion that Cecil was aware of the plot long before the discovery, and that the famous letter to Mouteagle was “a contrivance of his own.”¹⁷⁶ Oldmixon (historian) writes: “Notwithstanding the general joy, there were some who insinuated that the plot was of the King’s own making, or that he was privy to it from first to last.”¹⁷⁷ Carte (author) does not believe that James knew anything of it, but considers it “not improbable” that Cecil was better informed.¹⁷⁸ Burnet (historian) complains of the impudence of the papists of his day, who denied the conspiracy, and pretended it was an artifice of Cecil’s to engage some desperate men into a plot, which he managed so that he could discover it when he pleased.¹⁷⁹ Thomas Fuller bears witness to the general belief, but considers it inconsistent with the well-known piety of King James.¹⁸⁰ Bishop Kennet, in his November 5 sermon at St. Paul’s in 1715 talks in a similar manner. Puritan Prynne was inclined to suspect Bancroft, the Archbishop of Canterbury, of having been engaged in the conspiracy; while one of the furious zealots who followed the lead of Titus Gates, mournfully testified that there were those in his day who looked upon the gunpowder treason as upon a romantic story, or a politic invention, or a State trick, giving no more credence to it.

¹⁷⁵ Winwood’s *Memorials*, Vol. II. p. 170.

¹⁷⁶ Winwood’s *Memorials*, Vol. II. p. 22.

¹⁷⁷ Oldmixon’s *History of England, Royal House of Stuart*, p. 27.

¹⁷⁸ Carte’s *General History of England*, Vol. III. p. 757.

¹⁷⁹ Burnet’s *His Own Times*, Vol. I. p. 11.

¹⁸⁰ Thomas Fuller, *Church History*, Book X. p. 39.

“This impious design, gave the greatest blow to the Catholic interest in England, by rendering that religion so odious to the people. The common opinion concerning the discovery of the plot, by a letter to the Lord Mounteagle, has not been universally allowed to be the real truth of the matter, for some have affirmed that this design was first hammered in the forge of Cecil, who intended to have produced this plot in the time of Queen Elizabeth, but prevented by her death he resumed his project in this Reign, [Jacobean] with a design to have so enraged the nation as to have expelled all Roman Catholics and confiscated their estates. To this end, by his [Cecil’s] secret emissaries, he enticed some hot-headed men of that persuasion, who, ignorant whence the design first came, heartily engaged in this execrable powder treason. Though this account should not be true, it is certain that the Court of England had notice of this plot from France and Italy long before the pretended discovery; upon which Cecil framed that letter to the Lord Mounteagle, with a design to make the discovery seem the more miraculous, and at the same time magnify the judgment of the King, who by his deep penetration was to have the honour of unraveling so ambiguous and dark a riddle.”¹⁸¹

Brewer (historian) declares the plot to be certainly known to Cecil, and had previous knowledge of the plot, and that the discovery was a fraud.¹⁸² Lodge holds the same opinion.¹⁸³ Jardine inclines toward the belief that the government contrived the letter to Mounteagle in order to conceal the means by which their information had in reality been obtained.¹⁸⁴

Before investigating the anonymous letter, I add a potential theory by Webster Tarpley. “The Cecils were notorious assets of Venice; their ancestral home at Hatfield house was festooned with Lions of St. Mark. When William Cecil was too old to act as Elizabeth’s controller, he was succeeded by his son Robert Cecil (the 1st Earl of Salisbury). The Venetian-Genoese (Sir Horatio Pallavicini) was an important controller of English State finance.”¹⁸⁵ Tarpley relates how the Cecils were holding oversight to the Peerage, which was a system of

¹⁸¹ Bevil Higgons, *A Short View of the English History*, p. 296.

¹⁸² Note to Fuller’s *Church History*, Book X. p. 39, and to the *Student’s Hume*.

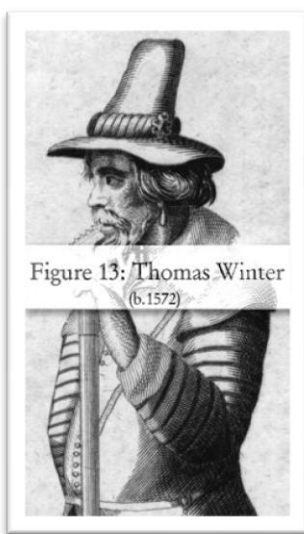
¹⁸³ Lodge’s *Illustrations*, Vol. III. p. 172.

¹⁸⁴ *Criminal Trials*, Vol. II. p. 68.

¹⁸⁵ *How The Venetian System Was Transplanted Into England*, (New Federalist, 1996).

titles of nobility in England; political offices like Lord High Treasurer and Lord Privy Seal, and held the positions of Lord Lieutenant and *Custos Rotulorum*, being the Keeper of the English county records for Lincolnshire, Hertfordshire and Essex. So in this view, Cecil was both Lord Lieutenant (Commander of militia units) and Lord Privy Seal (Lord Keeper of the Privy Seal, Seal of the Sovereign State of England). Without this Privy Seal no act of law or other could be passed. To summarise, the Cecils were basically holding all the keys of power in England. If the Venetian bankers would have had an opportunity to push their luck, it was now inside England. The ultimate event to foment a war was the gunpowder plot, and Tarpley demonstrates how Robert Cecil was a Venetian spy, quite active behind the scenes. Cecil was certainly a Spanish spy with a broad pension filling his pouch. And by coincidence, on March 3, 1605, eight months prior to the gunpowder plot, Pope Clement VIII, who had disapproved the works and doctrines of Paolo Sarpi and denied Sarpi access to the Vatican as a local Bishop, had died. The Papacy had to find a suitable successor, since the next Pope Leo XI (born Alessandro Ottaviano de' Medici) died April 27, 1605. After certain delays, a new Pope was elected, Pope Paul V (born Camillo Borghese) who was able to stand in the Pope's footprint until the end of his life in 1621.

vii. Brief biographies of the plotters



Thomas Winter (b.1572) *Reasons for choice: Skill in languages; soldierly reputation*

Winter was a Worcestershire man, and a relative to several of his fellow-conspirators, namely Catesby, Tresham, Grant, and of course his elder brother, Robert. Percy and the Wrights were relatives, so that the plot was quite a family affair. Moreover, Catesby's son married one of Percy's daughters. Thomas Winter was also a connection by marriage to Mounteagle, to whom the famous letter revealing the conspiracy was addressed to, and also, as Gerard says, "a reasonable good scholar, and able to talk in many matters of learning, but

especially in philosophy or histories very well and judicially. He could speak Latin, Italian, Spanish, and French. He was of mean stature, but strong and comely, and very valiant. He was very devout, and zealous in his faith.”



John Wright (b.1567) *Reasons for choice: A handy man*

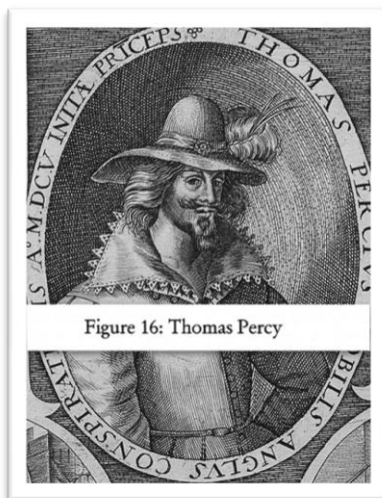
This was the eldest son of a Yorkshire man, a good swordsman, and very fond of using that weapon when a young man, being rude and quick-tempered, though slow of speech. According to Gerard, John Wright became a Romanist about the year 1600 but it is far more likely that he had been received into the Catholic faith five years earlier, as far back as 1596 when he had awakened the suspicions of the government by his close friendship with Catesby.



Guy Fawkes (b.1570) *Reasons for choice: Military knowledge; unknown to spies*

He came from a family of ecclesiastical solicitors, which were connected with one or two well-known county families. His parents were (from the accession of Elizabeth at any rate) Protestants, and he was their only son. His father (Edward) was Registrar of the Consistory Court, dying in 1578, when his mother re-married Baynbridge of Scotton. Fawkes seems to have been on good terms with his step-father, who is reported to have persuaded him to become a Roman Catholic; but soon after his coming of age, Fawkes left Yorkshire for the Continent, and enlisted in the service of the Spaniards occupying Flanders. His service in the Spanish army explains the change of his first name into Guido. Whilst in Spain, Gerard reports that those who knew Fawkes “affirm that as he did bear office in the camp under the English Coronel [Sir William Stanley] on the Catholic side, so he was a man every way deserving it whilst he stayed there,

both for devotion more than is ordinarily found in soldiers, and especially for his skill in martial affairs and great valour, for which he was there much esteemed.” In 1595, Fawkes assisted in the capture of Calais, and in 1604, at Catesby’s request, he came over to England when Catesby and one of the Winter brothers “desired one out of Flanders to be their assistant.” As Fawkes had left his native county for the Continent when quite a young man, he was consequently not known in London, and it was for this reason that induced Catesby to allot to him the task of looking after the powder and of firing the mine, since his presence at Westminster would not attract attention. Before returning to England, Guy Fawkes had been employed as a delegate of the Jesuits in the mission to obtain aid from Spain after the death of Elizabeth. This fact offers some speculation that Cecil knew him, even if Fawkes was not known in London.



Thomas Percy Reasons for choice: Position at Court in Northumberland's household

This is a person of great influence among the conspirators, especially to Catesby, and considered the most important amongst them. Percy seems to have acted as Catesby’s First Lieutenant. It was he who hired (within the precincts of Westminster Palace) the little dwelling next to the Parliament House, and it was he who obtained possession of the cellar where the powder was eventually deposited. As soon as the news of the abortive plot leaked out in London, it was described at first as “Percy’s Conspiracy.” In common with so many of his confederates, Thomas Percy was of illustrious lineage, being a scion of the great feudal house of Northumberland. He was a spy of the head of the family, Henry, the ninth Earl, the political enemy of Cecil. Authorities differ, however, as to how close he was related to the Earl. The nearness of the connection has been exaggerated, and he was no nearer in blood to the head of his house than a third or distant cousin. With this opinion Gerard agrees, when he declares that Percy “was not very near in blood, although they called him cousin.” Of the Earl of Essex, Percy was a warm admirer and devoted adherent. On the accession of James whom

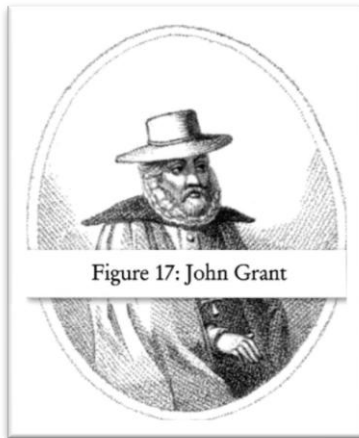
he had visited (shortly before Elizabeth's death) with a view to getting from him a promise to help the English Catholics, a promise which that Monarch deliberately broke, Thomas Percy became quite a turbulent recusant in spite of his position in his patron's household. In Sir Ralph Winwood's correspondence of 1605, there is nothing mentioned about the gunpowder plot under its date; not so surprising since Winwood was James's Secretary. However, there is an important confession in the letters by Thomas Fenwick long after, in 1616, relating to the transactions of "Thomas Pearcie" (Percy) with Francis Radcliffe and Roger Widdrington at Dilston, in Northumberland, and the conveyance to London of a large sum of money by Percy's man called Tailboys. The money was delivered to a house near Temple Bar, where Percy called on the morning when the plot was discovered, and told Tailboys to "shift for himself." The money was then taken to Radcliffe's house.¹⁸⁶ Winwood's death in 1617 was attributed to Mayerne's letting of blood too soon; it was then remarked that Mayerne was "commonly unfortunate in any dangerous disease." This rumour was no doubt born on the suspicion that Prince Henry died at the hands of Mayerne.

Christopher Wright (b.1571) *Reasons for choice: Stout-hearted handy man*

He was actively engaged in the Essex revolt, and had been employed as one of the delegates of the Jesuits on the mission to the Court of Spain. According to Gerard, Christopher Wright was "a grave and sober man, and of great wit and sufficiency, as I have heard divers say that were well acquainted with him. His virtue and valour were the chiefest things wherein they could expect assistance from him; for, otherwise, his means were not great." Christopher's close intimacy with Lord Mordaunt brought that nobleman into grave trouble with the government, in the same way as Percy's intimacy with his patron Northumberland proved injurious to that unsuspecting peer: At Catesby's advice, the care of the conspirators' house at Lambeth, used by them as their London rendezvous, was entrusted to the stern and undaunted Keyes who was an old and faithful servant of Catesby, to whom he was devotedly attached, and by whom he was admitted into the confederacy as one upon whom his powerful master

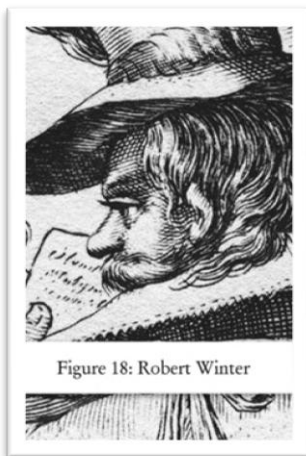
¹⁸⁶ Spottiswoode, *Sir Ralph Winwood*, (London, 1899). Based on reports of manuscripts of the Duke of Buccleuch and Queensberry which are preserved at Montague House in Whitehall.

could implicitly rely, and who would prove useful as a humble messenger carrying dispatches between the conspirators.



John Grant Reasons for choice: His fortified house

This was a Warwickshire man, a devout Roman Catholic who was well descended and connected with several old families in the shires of Warwick and Worcester. Although, according to Greenway, “he was of a taciturn disposition,” in the opinion of Gerard, he was “of a very fierce and mettlesome temper,” and implicated with his friends in the Essex rebellion. Catesby’s chief reason for enrolling John Grant as a member of the confederacy, seems to have been the fact that Grant’s “walled and moated” residence would provide an excellent rendezvous for those who were to “foment an armed rising in the Midlands.”



Robert Winter Reasons for choice: Wealth; relationship to the Talbots, and other great Roman Catholic families

He was the elder brother of Thomas, and son-in-law of John Talbot of Grafton, an influential Roman Catholic, whom the conspirators tried vainly to intrigue into connection with their schemes, and possessed the estate of Huddington in Worcestershire. On first hearing of the plot, he expressed his dislike of the whole scheme, but eventually joined, probably at the instance of his brother. His heart, however, was never in the business, and he took no part in stowing away the gunpowder. He deserted Catesby before the last stand at Holbeach.

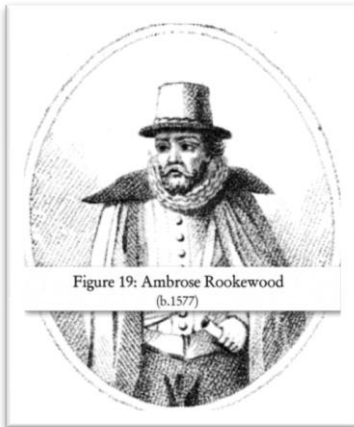


Figure 19: Ambrose Rookewood
(b.1577)

Ambrose Rookewood (b.1577) Reasons for choice: His stable of steeds

He was of an old family in Suffolk, which had remained Roman Catholic, even under the severe persecution of several of its followers under Elizabeth. He was the eldest son of his parents, and on his father's death, some four years before he joined the conspiracy, he became a very wealthy man. His wife (Elizabeth Tyrwhit) was a Lady of remarkable beauty, by whom he had two sons. The elder of these quickly wiped out the stain on his name incurred by his father's treason, and was actually knighted by the very King whom his father had plotted to destroy. Rookewood was drawn into the plot by Catesby, whom he "loved and respected as his own life," and who overcame his scruples against "taking away so much blood" by assuring him that the scheme had received the approbation of his confessor.¹⁸⁷



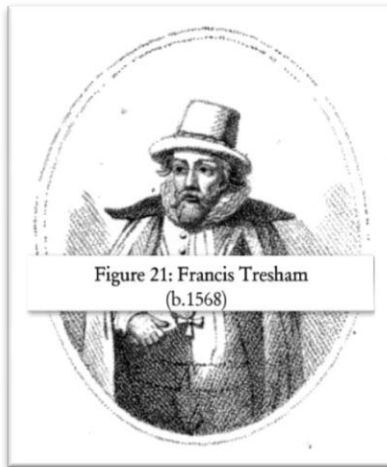
Figure 20: Sir Everard Digby

Sir Everard Digby Reasons for choice: Social position; wealth

He was supposed the only noble in regard to birth, education, and behaviour amongst his fellow-conspirators. This theory is exaggerated. Digby was not so well educated or so learned as Thomas Winter; he was no better born than at least six of his confederates or so nobly descended as was Percy. In private life, Digby was not more esteemed or better behaved than Ambrose Rookewood, whilst as a soldier, his reputation was not equal to that of Guy Fawkes, nor, as a swordsman either to that of Catesby or John Wright. In a word, he is erroneously supposed by the public to have been the only respectable person engaged in the plot. Digby became a favourite in Elizabeth's Court, and cut quite a gay figure; his ample fortune, no doubt, being a considerable factor in his advancement.

¹⁸⁷ Ambrose's grandson, also named Ambrose, was hanged in 1696, for being concerned in a plot to kill or kidnap King William III.

His father, owning estates in Rutlandshire, had died when he was a child, and had left him an award of Chancery.



Francis Tresham (b.1568) *Reasons for choice: Wealth; implant by Cecil*

He was related to the Winters, Catesby, and Mounteagle. Being the eldest son of Sir Thomas Tresham, of Rushton, Northamptonshire, a Roman Catholic, but chiefly famous for his building operations, an interesting account of which has been compiled in an illustrated treatise by Alfred Gotch.¹⁸⁸

One of the most remarkable results of Tresham's enterprise was the construction of a triangular Lodge at Rushton, built in honour of the Trinity, the idea running through the building being three;¹⁸⁹ which was the shape of the house being an equilateral triangle, thirty-three feet in length, the floors three in number, three windows on each floor, triangular rooms and all other apartments being of three.

Tresham was also involved in the Essex rebellion; for which his father was very heavily fined, and narrowly escaped execution. Francis Tresham had also been a party to Garnet's schemes for obtaining aid from Spain. There has been some unsubstantiated rumour that Tresham was an implant among the gunpowder conspirators by Cecil. In addition to the main plotters already mentioned, Catesby incorporated Robert Keyes who was chosen on account of his loyalty, and last, Thomas Bates was chosen on account of his being a useful and trustworthy messenger.¹⁹⁰

¹⁸⁸ Published in Northampton and in London in 1883.

¹⁸⁹ Vide Mr. Gotch's plans.

¹⁹⁰ It is an extraordinary fact that so many of the plotters should have been engaged in the Essex rebellion in 1601. This may suggest that Essex was secretly supported by the Jesuits.

viii. Lord Mouteagle and his letter

Of all the mysterious incidents enveloped in the official story of the gunpowder plot, none has taken so strong a hold upon the popular imagination as the famous warning letter, undated and unsigned, written to Mouteagle. The receipt of this letter is generally understood to have formed the sole means whereby the plot was discovered, and the lives of King, Lords, and Commons were saved; but, it is evident that the government had some knowledge of what was going on prior to the delivery of the letter to Mouteagle at Hoxton, on Saturday, October 26, 1605. At the same time, it is perhaps rather too wide a definition to refer to all the members of the government as being possessors of this information. It would be more correct to name instead only Robert Cecil, who seems to have known of the existence of the plot six weeks before the receipt of the letter. It may even be argued that he was aware of it as much as three months earlier. But the authorship of the letter is not the only puzzle that awaits solution, for the personal character of Mouteagle himself is almost as much a puzzle. Mouteagle was called William Parker and inherited his title of lordship in right of his mother, Elizabeth Stanley, heiress of the third Lord Mouteagle (or Monteagle). He was the eldest son of Henry Parker (Lord Morley) who died in 1618. Mouteagle did not succeed to his father's title until thirteen years after the plot, and he is always known to historians by his earlier title.

Mouteagle was, at the date of the receipt of the mysterious letter in his early thirties, and had married a sister of Francis Tresham (one of the conspirators) in company with whom he had joined in the Essex rebellion, and had been very heavily fined for this. Being a personal friend of both Father Henry Garnet and Robert Catesby, it is clear that he sanctioned the Jesuit missions to the King of Spain, and until the accession of James remained a Catholic directed by Garnet and his colleagues. Mouteagle frequently met Catesby from the time of the construction of the plot down till the autumn of 1605. This is a circumstance that has been conveniently ignored by those authors who maintain that Mouteagle was not in any way privy to what was going on among his old allies. That he may, all the time, been acting as a spy on behalf of Cecil, like Tresham, is also probable.

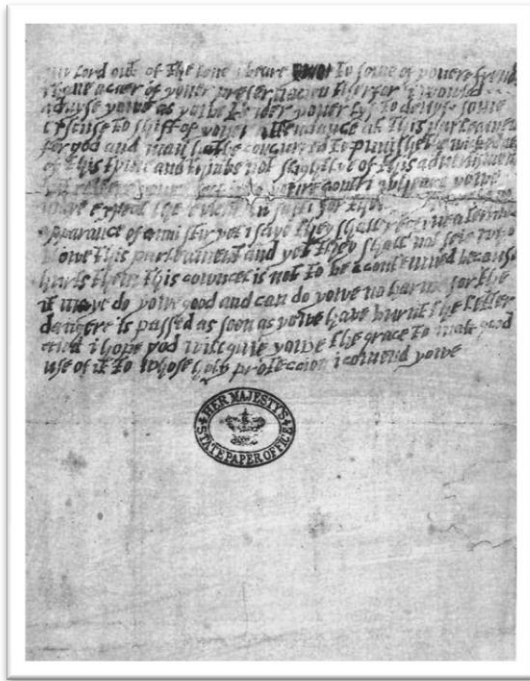


Figure 22: The Mounteagle Letter

Late Friday, October 25, 1605, Mounteagle gave orders that he would dine the following day at his house at Hoxton. This sudden notice seems to have surprised his servants. When in Hoxton, and ready for supper at six in the evening, one of his footmen he had sent on an errand was met by an unknown man, “of a reasonable tall personage, who delivered him a letter.”¹⁹¹ The letter was immediately brought to Mounteagle, who handed it to his servant Thomas Warde, and told him to read it aloud. The letter ran as follows:

“My Lord out of the love I bear ~~you~~ to some of your friends I have a care of your preservation therefore I would advise you as you tender your life to devise some excuse to shift of your attendance at this parliament for god and man hath concurred to punish the wickedness of this time and think not slightly of this advertisement but retire yourself into your country where you may expect the event in safety for though there be no appearance of any stir yet I say they shall receive a terrible blow this parliament and yet they shall not see who hurts them this Council is not to be contemned because it may do you good and can do you no harm for the danger is passed as soon as you have burnt the letter and I hope god will give you the grace to make good use of it to whose holy protection I commend you.”

Various attempts have been made to explain the nature of the danger alluded to in the letter, which the King and Cecil at the time, and others since, have understood as an allusion to

¹⁹¹ Cecil's letter to Sir Charles Cornwallis (Ambassador at Madrid) on November 9, 1605.

the danger of the plot. Jardine describes it as “mere nonsense”¹⁹² since the meaning clearly is the danger of the letter being discovered: The Council may do him good, and can do him no harm, except through the danger of keeping the letter, which being burnt, the danger is past. James’s attention was specifically called by Cecil to that passage in the letter: “The danger is passed as soon as you have burnt the letter.” This passage brought King and Minister to conclude that blowing up by gunpowder was meant. It is not surprising how Jardine had said “mere nonsense.” As soon as James and Cecil understood the implications of the letter, they planned to search all the cellars and areas adjoining the Houses of Parliament, but the search should be put off until the night of November 5. Why, nobody can say for certain.

What can also be termed as mere nonsense is how this letter somehow offered particulars to a plot, gunpowder no less, and poking a finger at thirteen plotters. The letter mentions no names, no dates, and unless some sentence or paragraph has been tampered with in the original letter, neither does it offer clues. Equally peculiar is the flamboyant manner in which Mounteagle directed Warde his servant, to read the letter out loud. Warde, it should be noted, was an intimate friend to Thomas Winter, and the exact state of the relations existing between Warde and some of the other plotters is a mystery yet to be solved. Warde may have been entirely in Mounteagle’s confidence, and may have expected the letter’s arrival. But by handing the letter to Warde to read aloud, Mounteagle pretended that such a letter was beneath his notice, that he merely regarded the message as the production of a lunatic or a practical joker. Neither the official version nor any State Paper mentions the place where the letter was delivered, which in such a mysterious matter would be the first inquiry. “Own lodging” as the letter stated, signified a person’s house. Hoxton is generally stated to have been the place of delivery, which was then in the outlying suburb on the great North Road, at a house which Mounteagle is known to have occupied, and belonged to his brother-in-law, Francis Tresham; and this ownership may have been Cecil’s reason for not naming where the letter had been delivered, which so curious an omission seems to imply.

¹⁹² *Gunpowder Plot*, (1835), p. 73.

ix. The handwriting

The direction of inquiry into the handwriting of the anonymous letter sent to Mounteagle, is indicated by the admission made by Coke, the Attorney-General at the trial, respecting the real manner in which the plot was discovered. Cecil's careful instructions to Coke for the trial are with the State Papers, in which he says:

"Next, you must in any case, when you speak of the letter which was the first ground of discovery, absolutely disclaim that any of these [conspirators] wrote it, though you leave the further judgment indefinite who else it should be." ¹⁹³

It is clear how Cecil requires Coke to disclaim that any of the conspirators wrote (he does not say "sent") the letter to Mounteagle, and by which alone the treason was discovered, and to declare in Court, as upon the authority of the government, that none of the conspirators divulged the plot; which, in any case, could be true only so far as the disclosure to the government was concerned. Coke, however, for some reason perhaps because he was not fully in Cecil's confidence (respecting the letter) describes the real manner of the discovery, according to his own knowledge. Towards the close of Coke's speech for the prosecution, he said: "The last consideration is concerning the admirable discovery of this treason, which was by one of themselves [conspirators] who had taken the oath and sacrament, as hath been said against his own will; the means by a dark and doubtful letter to my Lord Mounteagle." The oath that Coke refers to, was: "You shall swear by the blessed Trinity, and by the Sacrament, you now purpose to receive, never to disclose, directly nor indirectly, by word or circumstance, the matter that shall be proposed to you to keep secret; nor desist from the execution thereof, until the rest shall give you leave." This oath was taken by Catesby, Percy, Christopher Wright, Thomas Winter, and Fawkes, in May 1604. ¹⁹⁴ Coke's closing argument together with Cecil's statement, that none of the conspirators wrote the letter, shows that the divulging of the plot

¹⁹³ State Papers: Domestic, James I., XIX. 94.

¹⁹⁴ Harleian Miscellany (London, 1745), Gray's Inn, Vol. III, p. 118.

preceded the sending of the letter, which was not, therefore, as is popularly supposed the means by which the plot was discovered, except for the benefit of the general public.

In a letter from Cecil to Cornwallis, written on November 9, 1605: “No wise man could think my Lord Mounteagle to be so weak as to take any alarm to absent himself from parliament upon such a loose advertisement.” In the same letter, Cecil particularly describes the writing as being “in a hand disguised,” and he, like Mounteagle, would know not only the writer, but how the letter came to be written.

In an expert examination of the handwriting in the letter, undertaken in 1916, a comparison was made on a specimen of William Vavasour’s handwriting; the results throughout were found to be generally similar. To understand who William Vavasour was, we need to go back to Francis Tresham, the planner of the triangular Lodge at Rushton, and alleged mole planted by Cecil.

x. William Vavasour

Francis Tresham, in September 11, 1605, succeeded his father, Sir Thomas Tresham (a great sufferer for the Roman Catholic religion), in an inheritance of at least £500,000 a year, in present money. Tresham’s first cousin was Robert Catesby who had exhausted his own money in financing the plot. Catesby saw in Tresham the chance of obtaining economic support and asks him in the interests of their religion to join the conspiracy, of which he becomes the thirteenth and last sworn conspirator on October 14, 1605. Catesby is careful to impose the oath of secrecy before fully disclosing the plot. Tresham, on hearing the details disapproves, and endeavours to dissuade his cousin on going ahead with the plot, meanwhile offering him the use of his own purse if he will do so. Tresham, seeing that he cannot change Catesby’s opinion, tells him that Mounteagle and Stourton, particularly the former, be warned; each having married Tresham’s sisters; Catesby can give no definite assurance. Tresham then intends, as he says, to get the conspirators shipped away, and to inform the government by some unknown, or anonymous means.

Tresham has a servant called William Vavasour, who attended Sir Thomas Tresham, and who, with his elder brother, George Vavasour (whose education Tresham has particularly

encouraged), and their sister Muriel (the daughter of Muriel Lady Tresham) are favoured dependants of the Tresham family, being the children of an old and much valued Catholic servant. Both George and William Vavasour are confidentially employed by Tresham as amanuenses, in transcribing religious (or treasonable) treatises of the time. Up to this point, William Vavasour has not been previously mentioned anywhere in official documents.

Let us go back again to what happened: Mounteagle unexpectedly orders dinner to be prepared on October 26, 1605, at his house at Hoxton (belonging to his brother-in-law Tresham), where he has not been for some months. As he is about to dine, a letter is handed to him by his footman, to whom it has been given in the street by “an unknown man of a reasonable tall personage,” who knows that he will find him at so unfrequented a residence. Mounteagle opens the anonymous letter, pretends he cannot understand it, and shows it to his secretary, Thomas Warde, who, he is aware, is familiar with some of the conspirators and whom Warde, the next evening, tells of the receipt of the letter, which Mounteagle at once takes to the King’s Palace at Whitehall, about three miles away, where he finds Cecil with other Lords of the Council ready for dinner. “Who it was that wrote this letter to the Lord Mounteagle was never known, or how it came that King James suspected its meaning to be what it really was, is a great part a mystery to this day.” Cobbott complains.¹⁹⁵

At the trial, the government censors or suppresses the name of the place where the letter was delivered, since it was a residence of one of the alleged traitors. The conspirators and the Jesuit priests, (who are involved in the plot through the confessional), at once suspect Tresham; and Catesby, together with Winter, directly charge him with having betrayed them, which he denies, while urging them to escape to France and giving them money for the purpose.

Although Tresham is a sworn conspirator, he alone remains behind still at large, and then offers his services to the government after Guy Fawkes is arrested on November 4, 1605. A week later, Tresham is taken to the Tower; being ill, his wife and servant William Vavasour, and a maid servant constantly attend him. This is a peculiar action from the government, since never under any circumstances was anyone permitted to attend a prisoner when charged with a capital crime. Tresham’s health becoming worse and he dictates a letter for Vavasour to write

¹⁹⁵ *State Trials*, (1809).

to Cecil, retracting a statement that he has been induced to make respecting the Jesuit Garnet. Tresham dies December 23, 1605.

Tresham's dying statement written in Vavasour's handwriting is particularly interesting. Vavasour, in the presence of the Lieutenant of the Tower, writes an untrue statement (consequently using a hand quite different from his ordinary writing and identical with the writing of the anonymous Mouteagle letter) asserting that his master's dying statement was written by Mrs. Tresham (though in every way proper for Vavasour to have written), which she at once declines and says that Vavasour wrote it, who is then examined in the Tower by Chief Justice John Popham¹⁹⁶ and the Attorney General Coke. When examined, Vavasour confesses that he wrote the dying statement as Tresham dictated it to him, and said he had denied this for fear of his life.

Francis Tresham's Last Statement

Written by William Vavasour

December 23, 1605

I being sent for before your Lordships in the Tower, you told me of (that) it was confessed by Mr. Winter, that he went upon some employments in the Queen's time into Spain and that your Lordship did nominate to me out of his confession all the party names that were acquainted therewith namely 4 besides himself and yet said that there were some left for me to name. I desired your Lord that I might not answer thereunto because it was a matter that was done in the Queen's time and since I had my pardon.

Your Lordship would not accept of that answer, but said that I should be made to speak thereunto. And I might thank myself if I had been worse used than I had been since my coming to the house, I told your Lordship (to avoid ill usage) that I thought Mr. Walley¹⁹⁷ was procured to write his letter for the furthering of this journey.

¹⁹⁶ (b.1531–d.1607)

¹⁹⁷ "Walley" was one of Garnet's aliases as was "Darcy," "Roberts," "Farmer" and "Henry Philips."

Now my Lord, having bethought myself of this business (being too weak to use my own hand in writing this) which I do deliver here upon my salvation to be true as near as I can call to mind, desiring that my former confession may be called in and that this may stand for truth. It was more than I knew that Mr. Walley was used herein, and to give your Lordship proof besides my oath, I had not seen him in sixteen years before, nor never had message nor letter from him and to this purpose I desired Mr. Lieutenant to let me see my confession who told me I should not unless I would enlarge it, which he did perceive I had no meaning to do.

Francis Tresame

24 March 1605

This note was of my own handwriting

By me Willia^u Vavasore

The text underlined in Tresham's statement was underlined by Coke for omission when the statement was to be read at the trial. The "4 besides himself," having reference to Mouteagle, was suppressed; other suppressions in the statement were made for obvious reasons. Upon Tresham's death, the Lieutenant of the Tower writes to Cecil: "He died this night, about two of the clock after midnight, with very great pain; for though his spirits were much spent and his body dead lay above two hours in departing."¹⁹⁸ Tresham's death, being so opportune for Mouteagle, if not for Cecil, has been attributed to poisoning; but in Stowe's *Annals*¹⁹⁹ it is stated to have been occasioned by "strangury," though giving the date of Tresham's death incorrectly as November 22, 1605 instead of December 23, 1605.²⁰⁰

Having left no male heirs, Tresham's inheritance passes to his brother, who is later bestowed a Baronet on the institution of that order by King James, the very King whom the plotters intended to destroy.

The Attorney General Coke, at Garnet's trial on March 28, 1606, pronounces William Vavasour as being, in his opinion, "deeply guilty" in the gunpowder treason; yet Vavasour is not even brought to trial, while other servants are tried and executed. The "deeply guilty"

¹⁹⁸ State Papers, Domestic, James I., XVII., P. 56 Lieutenant of the Tower to Cecil, December 23, 1605.

¹⁹⁹ p. 880. 1615.

²⁰⁰ Ten years later, a subsequent Lieutenant of the Tower was executed for poisoning a State prisoner: Thomas Overbury.

Vavasour goes free. Vavasour's variety of handwriting conclusively proves him to be the author of the anonymous letter received by Mounteagle, but most probably was also the "unknown man of a reasonable tall personage" who is so described in the government story as having delivered the letter.

Coke evidently knows, or suspects, that Vavasour wrote the warning letter; and he cannot understand why he is not brought to trial. He therefore expresses his opinion of Vavasour's guilt as strongly as possible, and even describes him with what for an Attorney General in ordinary circumstances would be a singular redundancy of legal expression, as being "deeply guilty" in the treason. Noone would know better than Coke that in high treason itself the law makes no distinction whatever of degrees of neither guilt, nor can there even be an accessory: Once participant, whatever the part played may be, all alike are principals. Coke's statement in Court has been officially in print for over four hundred years, yet no investigator seems to have noticed it and so have been led to inquire what happened to Vavasour.

xi. The examinations

The government seems to have fallen into a wild state of terror in 1605; arrest followed arrest in rapid succession and by November 26 no less than forty-six persons were in custody in different places. A Privy Council letter was sent to Sir Julius Caesar, Sir Roger Wilbraham, Sir Edward Phillips, Sir John Croke, Sir Edward Coke, Sir John Dodderidge, Sir Francis Bacon, Sir Walter Cope, Sir George Moore and Sir Henry Montague, authorizing further search, apprehensions, and commitment. November 19 saw a Privy Council letter sent to the same persons mentioned, directing an examination of those apprehended and found chargeable with a suspicion of the conspiracy, and enclosing a list of persons to be examined. A general form of interrogation was drawn up which was to be ministered to those who were to be examined. The Commissioners acted promptly on these instructions; they held examinations on November 23 and 29; on December 2, 3, 4, 5, 6, 9, 10, 11, 12 and 30, during this time they examined twenty-six persons; afterwards, a further seven were examined.

After the capture of Guy Fawkes, no time was lost in taking him before the Privy Council, and he was actually brought before the King in his bed-chamber before four o'clock in the

morning. This feverish haste to question him is another point in favour of the supposition that the details of the plot were already well known to Cecil. After leaving Whitehall, Fawkes was sent under a strong guard by water to the Tower, where the King directed the Lieutenant that he was to be tortured. James set down in his own handwriting the directions of torture: "If he will not otherwise confess the gentlest tortures are to be first used unto him and so on step by step to the most severe. And so God speed your good work." That these directions were carried out strictly we have ample proof; Fawkes's confession signed by him remains to this day and the way in which the single name "Guido" is written shows that the torture process had been carried on step by step to the utmost of James's wishes. How many more torture was applied to does not appear, but we may be sure that the King did not scruple to order or his ministers to use torture where they thought it necessary. And at last, Coke had got what evidence he deemed sufficient, so towards the end of January all was ready for the trial.

Of the thirteen conspirators originally engaged in the plot, no less than eleven were either captured or killed within a period of four days from the fatal day of November 5. Of these eleven men, Catesby, Percy, and the Wrights were dead; Fawkes was in the Tower; Digby, Thomas Winter, Grant, Keyes, Bates, and Rookewood were on their way and under arrest. Of the remaining pair, Francis Tresham was in London, but not yet actually arrested; and Robert Winter was in hiding. By November 12, Tresham also was under lock and key, so that, if we omit the fugitive Robert Winter (the least important of the band), we find the government's measures for the repression of the conspiracy, both at Westminster and in the Midlands, had been so skillfully executed that it had only taken the authorities seven days to kill or imprison all those who had been actively engaged in the plot.

Of the original number of thirteen, only eight of the conspirators survived to be committed for trial; they were Thomas Winter, Guy Fawkes, John Grant, Robert Winter, Ambrose Rookewood, Thomas Bates, Robert Keyes, and Digby. All were arraigned at Westminster Hall, on January 27, 1606, before a Commission consisting of the Lord Chief Justice Sir John Popham; the Lord Chief Baron Sir Thomas Fleming; Sir Peter Warburton a Judge, and the Earls of Salisbury, Northampton, Nottingham, Suffolk, Worcester and Devonshire. Sir Everard Digby was separately arraigned, and tried and sentenced immediately after the conclusion of

the case against his friends. The Privy Council for the crown was Sir Edward Philips and Sir Edward Coke.

The trial from beginning to end was a mere farce. The prisoners, after having to listen to a very long, by no means truthful, and very violent speech from Coke, and having heard their several examinations, confessions, and voluntary declarations, as well of themselves, as of some of their dead confederates read out, were merely asked, what they could say, wherefore judgment of death should not be pronounced against them, and the trial was virtually over, so far as the hearing of their case was concerned.

The conspirators, tied to separate hurdles, were dragged, lying bound on their backs, through the muddy streets to the place of execution, there to be first hanged, cut down alive, drawn, and then quartered. Guy Fawkes, weak and ill though he was, seems to have suffered the least, for he was dead by the time his body was taken down. Rookwood lived until he reached the quartering block. Keyes, breaking the rope, was probably killed by the knife; whilst Digby was in full possession of all his senses on being cut down.

xii. Waad the Lieutenant of the Tower

“That beast Waad,” as Raleigh called him, had been appointed Lieutenant of the Tower about eleven weeks before the capture of Guy Fawkes at Westminster. Prior to Waad’s appointment, however, he had held several very important diplomatic and political posts. He had faithfully served Burghley, and was destined, in the matter of the gunpowder plot, to serve with equal fidelity the son, Robert Cecil.

Under Elizabeth, Waad had been secretary to Walsingham, and afterwards clerk of the Privy Council. He had been sent on frequent diplomatic missions to Madrid, Paris, and the Low Countries. In 1588 he was elected a Member of Parliament, and in 1601 represented Preston, where his Protestant zeal made him very unpopular among the Roman Catholics of Lancashire. Soon after the accession of James, he was knighted, and in August 1605, he was at Cecil’s request, appointed Lieutenant of the Tower.

Waad certainly seems to have enjoyed a unique career. He had, in fact, been connected with the detection, or attempted detection, of almost every conspiracy hatched in England

during the eventful twenty years antecedent to the gunpowder plot. He had ransacked the belongings of the Scottish Queen Mary at the time of Babington's conspiracy; he had taken a prominent part in the discovery of the mysterious Lopez affair under Elizabeth; he had helped to suppress the Essex rebellion in 1601; he had been employed in the matter of the proceedings of Cobham and Raleigh, as regards their connection with Watson's conspiracy. He was, therefore, likely to prove, in the eyes of the government, an ideal gaoler for the conspirators and Jesuits captured after the failure of the gunpowder plot, as well as for Raleigh.

xiii. The aftermath

On January 23, 1606, the chief matter in parliament handed over a project for the making of November 5th to become a holiday forever "in thankfulness to God for our deliverance, and detestation of the papists." And of memorial peculiarities, we may only turn to the correspondence between Thomas Lorkin and Thomas Puckering, dated June 30, 1613, to be given as an example. "My last letters advertised you of what had lately happened concerning Cotton, who yielding himself to the King's clemency, doth nevertheless utterly disavow the book, and constantly denieth to be the author of it. Hereupon, his study hath been searched, and there divers papers found, containing many several pieces of the said book, and (which renders the man more odious) certain relics of the late Saints of the Gunpowder Treason, as one of Digby's fingers, Percy's toe, some other part either of Catesby or Rookwood (whether I well remember not), with the addition of a piece of one of Peter Lambert's ribs, to make up the full mess of them. If the proofs which are against him will not extend to the touching of his life, at least they will serve to work either misery or affliction enough." ²⁰¹

The greatest precautions were taken to prevent Catholics securing relics. From Campion's execution, a young man who dropped his handkerchief into the blood on the ground was taken and committed. Another contrived to possess a finger, and later on, an arm was taken from the gate where it was nailed. Parsons managed to buy the rope in which his martyred friend was bound and hanged with, and died with it round his neck; he had also hired lodgings near

²⁰¹ Thomas Birch, *The Court and Times of James the First*, (1848), Vol. I.

Bridewell church, close to the Thames, a most convenient meeting-place for priests and other Catholics, and also for the work of his publications. It was more suitable for this purpose because it belonged to a Protestant bookseller, and so was not likely to be suspected. Here, Parsons deposited his stock of rosaries, medals, crucifixes, and religious objects he had brought from Rome.²⁰²

xiv. Publication of trials

In the time of Queen Anne, long after the abolition of the Star Chamber and the emancipation of the press, we have an instance of jealousy entertained in regard to the unrestricted publication of trials. It is the more remarkable as it occurred before Lord Holt, a strenuous champion for liberty. The transaction is related in Howell's *State Trials*:²⁰³

To the Counsel: My Lord, we insist upon it, that these fellows should not go on writing.

Ordered: That the writers be turned out of the Court.

Accordingly, they were turned out, at the repeated instance. However, thus far the shorthand writers had proceeded with great exactness; and they are ready, by their writing and notes, to justify all before mentioned in this trial, which by this time was nearly ended.

In a paper, which one Haagen was executed for the abduction of an heiress in the first year of the Reign of Queen Anne, delivered to the sheriff on the scaffold, he complained: "I expected my trial should be published, that the world might see my treatment what I have done, and what I have left undone in my case; but I am informed it may not be printed."

Jardine has furnished the readers of his *Criminal State Trials* with many interesting particulars concerning their secret history. He points out peculiarities in which the printed reports are contradicted by the original documents in the State Paper Office. In the case of most of these variances, an obvious motive of policy is assignable for the departure from truth. For example, so extant report, either in print or manuscript is now to be found of the trials for

²⁰² Dom Bede Camm. *Lives of the English Martyrs*, (1914), Vol. II.

²⁰³ Vol. XIV. p. 935.

the gunpowder plot, except that printed by the King's printer. The original examinations in the State Paper Office, which are represented to be truly set forth in this government version of the trials, are full of interlineations and alterations: One of interest, written in a different ink and different handwriting from the style of writing of Guy Fawkes's declaration, changes the position of two conspirators, making the one, who was of more wealth and consequence than the other, appear to have been introduced into the plot at an earlier period than the other, and vice versa, contrary to Fawkes's own statement, but in accordance with the printed report. A copy of a deposition in the State Paper Office contains in the margin a remark in the handwriting of King James: "An unclear phrase." This obscurity is accordingly removed by interlineations, and the document is published in its altered state.

In Fawkes's declaration in the State Paper Office, there is no mention of a person of the name of Owen; but in the printed report, Fawkes is made to say, that he went over to the Netherlands "to acquaint Owen with the particulars of the plot." This Owen was tried for high treason as Peacham was in 1615. The overt act, charged in the indictment, was, that intending the death of the King he had maliciously said of the King: "The King being excommunicated by the Pope may be lawfully deposed and killed by anyone, which killing is not murder." The Attorney General at the time was Francis Bacon; in his opening of the case, he cited many instances, in which the speaking of seditious words had been adjudged to be treasonable. The prisoner was convicted; judgment was passed upon Owen by the then Lord Chief Justice Coke and with the assent of the whole Court. Whether he was at last executed, does not appear anywhere in judicial works.

The motive for such interpolation, as noticed in the gunpowder plot, was because the government at the time endeavoured to induce Archduke Albert to give up Owen, who was an English officer in his service in Flanders. For fear of comparison being made between the interpolation and the original document, the date of Fawkes's declaration is artfully suppressed in the printed report. The published indictment against the conspirator varies from the original record in the *Baga de Segretis* (secret Spanish pouches) in particular, with regard to the mode in which the conspirator Tresham is represented in the report to have been charged, which is different from the way whereby he was really charged. This circumstance, if taken in connection with the very careful erasure or obliteration of Mounteagle's name in all the

original documents connected with the plot, tends to confirm the supposition, that the plot was discovered by Tresham to Mounteagle, and by him to the government and thus to destroy the romance of the mysterious letter, for interpreting which King James, in the preamble to an Act of Parliament, is stated to have had the assistance of the Holy Spirit. He did have spirit; holy, it is doubtful. Therefore, the speeches of Coke and of Northampton concerning the gunpowder plot contain anachronisms, which betray that they were manufactured subsequently to the trials at which they are reported to have been delivered.

In like manner, Francis Bacon's *Declaration of the Treasons of Lord Essex* is replete with variations from the original records. Numerous passages in the original papers are marked in Bacon's handwriting with the letters *Om* meaning Omit. It is apparent that these omitted passages were all read at the trial, because upon the same papers are found the directions to the officer of the Court, in Coke's (then Attorney-General) handwriting, as to what passages he was to omit when read. A single example will suffice to display the motive of such omissions.

The part omitted by Bacon is the following declaration by Sir Christopher Bland, and was then printed in italics. "Being demanded, to what end they went to the city he confesseth it was to secure the Earl of Essex's life against such forces as should be sent against him. And being asked, what, against the Queen's forces he answered, that must have been judged afterwards, for the forces might be such as came by direction of such of his enemies as might have had authority to command in the Queen's name, and would have done that without the Queen's privity." In the same original paper it is also stated that the Earl of Essex "in his usual talk used to say that he liked not that any man should be troubled for his religion." This passage is omitted by Bacon; but it is also marked for omission by Coke, and was therefore not read at the trial. Whatever was favourable to a prisoner was omitted.

I end this account with Sir Edward Coke's saying at the trial of the gunpowder conspirators: "Ages to come will be in doubt whether it were a fact or a fiction." What exactly Coke meant, remains a mystery; however, the only person who escaped conviction in the alleged gunpowder plot, was William Vavasour, the "deeply guilty" party who had wrote the anonymous letter to Mounteagle.

CHAPTER 7. TWO POTENT CASES

“It is not improbable but that he might overheat and distemper himself in some of those sports and recreations he used in his company; but the strength of his constitution and the vigour of his youth might have overcome that, had he not tasted of some grapes as he played at tennis, supposed to have been poisoned.”

—*Sir Simonds D’Ewes*²⁰⁴

“God knows what became of that sweet babe, Prince Henry, but I know somewhat.”

—*Sir Edward Coke*²⁰⁵

“Be careful, O my Prince! Hear them not; fly from their deceits.”

—*Sir Walter Raleigh*²⁰⁶

“But the picture of death, by a strange extraordinary countenance, from the beginning possessing him, hath been the cause that some vainly rumoured that he was poisoned, but no symptom appearing, it is surmised that he might be poisoned by a scent. But indeed he died in the rage of a malicious extraordinary burning fever.”

—*Godfrey Goodman*²⁰⁷

²⁰⁴ Halliwell, *The Autobiography of Sir Simonds D’Ewes* (Vol. I. 1845).

²⁰⁵ During Sir Thomas Monson’s trial, Coke hinted darkly at some important secret affecting persons of high station; rumour connected his words with the death of Prince Henry; Weldon, in his *Court and Character of King James* (p. 123) indeed quoting as Coke’s actual words, “God knows what became of that sweet babe Prince Henry but I know somewhat;” and the staying of the trial by the King’s intercession allowed people to believe that the King feared the disclosure of awkward facts. “Sure,” says Roger Coke, “the displacing Sir Edward Coke the next year gave reputation to these rumours.” The words quoted by Weldon do not appear in the report in the *State Trials*.

²⁰⁶ Sir Richard Steele’s *Englishman* (p. 9).

²⁰⁷ *Aulicus Coquinariæ* (1650).

A. The Death of Prince Henry (1612)

i. Queen Anne's request



Prince Henry was born at Striveling on February 19, 1594, and was committed to the care of the Earl of Marr, the family of Erskin Earl of Marr, who was always governor of King James's children from the time the Stuarts mounted the British throne.

The condition of this care can be seen in the following extract from a letter written July 24, 1595, by James to the Earl of Marr: "Because in the surety of my son, consisteth my surety, and I have concredited unto you the charge of his keeping, upon the trust I have of your honesty; this I command you out of my own mouth, being in the company of those I like otherwise for any charge or necessity that can come from me, you

shall not deliver him; and in case God call

me at any time, see that neither for the Queen nor estates their pleasure, you deliver him till he be eighteen years of age, and that he command you himself."

Under such commands, Marr kept Prince Henry in his keeping and refused to deliver him to his mother, Queen Anne, when requested in the year 1603. It was not until the Duke of Lennox was sent to intervene with a warrant to receive the Prince and deliver him to his mother, the Queen.

Letter of Prince Henry to his mother
Upon his father's procedure to London
1603²⁰⁸

Madame and most honoured Mother,

My humble service remembered, having occasion to write to the King, my father, by this accident, [opportunity,] which has fallen out of late, I thought it became my duty by writing also to congratulate your Majesty on the happy success of that great turn, almost above men's expectation, the which I beseech God to bless in the proceeding as he has done in the beginning, to the still greater increase of your Majesty's honour and contentment.

And seeing by his Majesty's departing [departure] I will [shall] lose that benefit which I had by his frequent visitation, I must humbly request your Majesty to supply that lack by your presence, (which I have more just cause to crave, since I have wanted it so long, to my great grief and displeasure) to the end that your Majesty by sight may have, as I hope, the greater matter [reason] to love me, and I likewise may be encouraged to go forward in well doing, and to honour your Majesty with a due reverence, as appertains to me, who is your Majesty's most obedient son.

Henry.

Marr travelled with the King to London for the accession to the English throne. When Anne was certain of their departure, she thought she was mistress of the ascendant in Scotland, and set off immediately for Stirling castle, accompanied by a strong party of the nobles, hoping to intimidate the old Countess of Marr into the surrender of the Prince.²⁰⁹ Upon Anne's arrival, Lady Marr flatly refused admittance to any of the Queen's armed partisans, who were forced to remain outside the walls of the castle. When Anne was finally gained access to enter, with her usual officers and attendants, and prepared to take her son, Lady Marr declared that "she had the King's warrant for retaining the Prince under her charge; and till she saw equal authority for surrendering him, she must, perforce, keep him still." Anne threw herself into refusal, and

²⁰⁸ Harleian MSS. 7007.

²⁰⁹ (a) Spotiswood, *Ecclesiastical History*; (b) Birch, *Life of Henry Prince of Wales*.

her delicate situation, being pregnant with James's other child, rendered her temper dangerous. All her attendants exclaimed loudly against Lady Marr's "unprecedented wickedness" in detaining the child from the mother. Lady Marr showed them the King's positive warrant for her conduct, and said she dared not disobey it. Anne threatened force, and some say swords were actually drawn. The stormy scene ended by Anne becoming hysterical, until she was finally carried lamenting to the royal apartments in the castle.

Lady Marr instantly dispatched messengers to the King in England and to the Council at Holyrood, craving positive orders and directions for her conduct. Anne roused herself from her fit and wrote her version of the affair, dispatching special messengers both to the King in England and to the Scotch Privy Council. When Anne's letters reached Holyrood, a deputation of Members from the Privy Council hurried to Stirling castle. No distinct detail exists as to what Anne said or did, except that all were in confusion at the temper she displayed and was adamant to take her son from the guardianship of Lady Marr.

The result of all these furious agitations was that Anne became ill, and she was put to bed of a son, born prematurely that died at birth. Anne's almoner, Spotiswood, (afterwards Archbishop of Glasgow, and the historian of the *Scottish Church*) set off with the bad news to the King, and was charged with a dismal list of Anne's complaints;²¹⁰ but this ecclesiastic was far from flattering the whims of his royal mistress, or ranking himself among the partisans of her rash and unreasonable conduct.

In the meantime, Lady Marr, and the Lords of the Privy Council who were at Stirling castle, seemed in equal danger of being considered answerable for the death of the infant Prince, and the perilous state of the Queen. Lord Montrose, one of the King's most trusted Councilors, wrote a piteous letter of exculpation, dated May 10, to James, affirming that the Queen's expedition to Stirling was no fault of his.²¹¹ Lord Fife, the President of the Council, wrote another dispatch, which is surely a most naive and amusing document. The conclusion evidently shows that Lord Fife had promised that Anne should have her own way; such promises being, however, subject to the revision of James's own decisions: "I was at Dumfermline, when this stir fell forth, and came not to Stirling till I was sent for by her

²¹⁰ Archbishop Spotiswood, *Ecclesiastical History*.

²¹¹ Bannatyne Papers.

Majesty, who was then in the extremity of her trouble, which state would not admit all that good reason might have furnished to any of us to be said to her Majesty. Your Highness' advocate chanced to be with her Majesty at the very worst. Now your Highness has had proof before of his wit and guide behaviour; but, at sick a time, in sick an accident, and to sick a person, what could he do or say? He was not ignorant of the great care and tender love your Majesty has to her Highness' royal person, and to dispute what reason or wisdom would urge was but the way to incense her Majesty further against us all, and to augment her passion to greater peril, where he was certain would have annoyed your Majesty above all, and might have been justly impute to lack of discretion on his part. All being weighed, the best expedient was to comfort and encourage her Majesty, and to give her guide heart. Physic and medicine requireth greater place with her Majesty, at present, than lectures on economic or politic. Her Majesty's passions could not be so well mitigated and moderated as by seconding and obeying her directions, where always is subject to your Majesty's answers and resolves as oracles." ²¹²

James finally directed Marr to deliver Prince Henry to the Duke of Lennox, who would dispatch him, with all due ceremonies to Anne, and come with all speed to him in London, where he wanted his presence. This prudent arrangement somewhat pacified Anne, who removed to Holyrood and began to occupy herself with preparations for leaving Scotland. Anne sent the corpse of her infant stillborn child to be carried in a coffin with her royal cortège and together with her two elder children who were able to travel. Prince Henry was offered a dog that he named *Ringwood*, and they all preceded for London. ²¹³

ii. The Queen's attire

I find it relevant to British history to detour a little, and say, that while James was on his progress through England, and before his arrival in London, a curious correspondence had taken place between him and the English Privy Council relative to his Queen's outfit. From the documents that follow, it shows how Anne's Scottish wardrobe was altogether considered unfit to be produced before the purse-proud magnates of the southern Kingdom. In consequence,

²¹² Balfour Papers, p. 54.

²¹³ Aikin, *James I*, Vol. I.

James commanded the English Privy Council to “forward such jewels and stuffs, with other furniture (as coaches, horses, and litters) which had pertained to the late Queen Elizabeth, and all things which they might deem fit for the use of Queen Anne.” The Council viewed this demand with distrust, and sent word “that they considered it illegal, and against their oaths, to send any of the Crown Jewels out of England.” The consequence was that they sent nothing.

James wrote a second letter to them on the same subject, full of reproof and explanation. He declared that it was his intention to bring into England his wife and his two elder children who were able to endure the long journey; that he neither expected nor demanded to have any of the State Jewels, but he wished the Privy Council to consult some of Queen Elizabeth’s Ladies regarding the jewels and dress, “needful for the ordinary appareling and ornamenting her [Anne]. And as soon as Elizabeth’s funeral was over, some of her Ladies, of all degrees, should journey to Berwick to meet Queen Anne, with such usual jewels and dresses as were proper for her appearance in England.”²¹⁴ This was accordingly done.

We know that Queen Elizabeth’s wardrobe was adorned with a number of 2,000 gowns; many of which are lost through time...or are they? Upon Anne’s death at a later date, we shall see further into this subject as all jewels and garments of Elizabeth were nowhere to be found among Anne’s possessions.

iii. An untimely death

Mr. Adam Newton (afterwards Sir) was the Prince’s tutor, by whose instructions he is said to have profited, so it was natural as Prince Henry stepped into his teenage years, to become an enemy to oppression and injustice. He frequently heard that his father had given Sherburn Castle to Sir Robert Carr, an uprising favourite. We will from now on refer to Carr as Somerset. The Prince became angry with his father’s ways and desired he bestow Sherburn Castle to him, alleging that it was a place of great strength and beauty, but with an intention of giving it back to Sir Walter Raleigh. The same noble character Henry showed to Raleigh’s wards, Sir Robert Dudley, who was deprived of his honours and estate by the injustice of his

²¹⁴ Written by King James from Topcliffe, April 15, 1603.

father, and it was King Charles I, Prince Henry's brother, who said, "Prince Henry made overtures to Sir Robert, to obtain his title in Kenilworth Castle, and bought it off him for £14,500 with a promise to restore him in honours and fortunes."

The untimely death of this young Prince Henry made so little impression upon the King and his favourite (Somerset) at the time, that on November 9, 1612, three days after the funeral, Somerset wrote from Whitehall to Sir Thomas Edmondes to begin a negotiation for a marriage between Prince Charles and the second daughter of France. Edmondes, upon receiving the letter, had more sense of decency, and delayed the negotiations, and James later approved on the delay: "It would have been a very blunt thing in us, that you, our Minister, should so soon after such an irreparable loss received by us, have begun to talk of marriage, the most contrary thing that could be, to death and funerals." This conduct is quite amazing, not to mention James's statement which implies Edmondes was in total to blame; no doubt this would divert any hint of true fault toward Somerset who was the first to have requested the marriage negotiations begin three days after the funeral of Prince Henry.

Many historians and authors have noted how the neglect of a father deprived not Prince Henry of "that reputation which he so well deserved." It was said by the author Harris, that "posterity have founded forth his praises, and held him up to view as one worthy the imitation of all young Princes; and wherever his character is known, his memory will be highly honoured."²¹⁵ The historian Devereux swiftly puts us into the season and feeling that swelled around Prince Henry's death: "It was speedily rumoured that the Prince had been poisoned, and a very minute account exists of a *post mortem* examination taken in consequence. There does not appear to have been any ground for these reports; indeed, the practice of physicians was so fantastic and absurd, that one can hardly believe that any patient could be recovered by them from dangerous illness. There can be no doubt that the heir to the throne was attended by the ablest of the faculty; yet we find that the remedies considered most effective, and the failure of which caused the Prince to be given over, were pigeons applied to the head, and a split cock to the soles of the feet."²¹⁶

²¹⁵ William Harris, *An Historical and Critical Account of the Life and Writings of James the First*, (1753).

²¹⁶ Devereux B. Walter, *Lives and Letters of the Devereux Earls of Essex*, (1853), Vol. II.

These “fantastic and absurd” remedies were well known and supported with a belief of cure that even Sir Francis Bacon recites of their alleged effectiveness: “Likewise, pigeons bleeding, applied to the soles of the feet, ease the head; and soporiferous medicines applied unto them provoke sleep.”²¹⁷ Spedding, the well known editor and collector of Bacon’s *Works*, comments further on the unusual remedies of the times: “I do not know what Francis Bacon would have thought of the story told of the Emperor Frederick II. An old commentator of Dante affirms that, in order to prove the non-existence of the soul, the Emperor enclosed a criminal in a chest, and kept him there until death took place. The chest being opened, he asked those whom he wished to refute what had become of the soul; but received quite as good an answer as the question deserved, namely, that it had escaped by the same route as the cries, which, for some time after being shut in, the unhappy man had been heard to utter.”

iv. Court physician



Figure 24:
Sir Théodore Turquet de Mayerne
(1573–1655)

The Court physician to James, at the time of Prince Henry’s illness, was Sir Théodore Turquet de Mayerne.²¹⁸ This peculiar man was made physician in 1597 at Montpellier, who’s Paraclesian medical views were violently attacked by the College of Physicians in Paris at the time; however, he found favour in England, and in 1611 he was appointed Court physician to James and later to his son Charles I. Mayerne was paid a £400 pension from the King; £400 from Queen Anne, with a house provided for him, and many other commodities, which was reckoned at the time to amount to a sum of £1,400 per annum.²¹⁹

²¹⁷ Francis Bacon, *Sylva Sylvarum*, Century I (96).

²¹⁸ (b.1573–d.1655)

²¹⁹ Birch, *The Court and Times of James the First*, (1848), Vol. I: Correspondence between John Chamberlain and Dudley Carleton, November 20, 1611.

Mayerne is gossiped on around this time (1611) in various correspondence: “Mayerne, or Turquet, the French physician, is returned out of France, and brought over Moulin the Minister with him, but I think not to remain.”²²⁰

This Court physician was one of the most famous physicians of his time, with a thriving practice among the elite, as can be seen by the intended recipients of his recipes in his medical cases, to which he also publishes a treaty on insects, entitled: *Theatrum Insectorum*, though the introduction is written by him, the true author of the treaty is still in doubt.

Mayerne was also well acquainted to and esteemed upon by Jean Petitot,²²¹ a Swiss miniature painter, who with the help of his compatriot physician and chemist Mayerne, perfected his technique by using new colours notably for the flesh tones, and achieving an unprecedented virtuosity in his attempts to emulate the brilliance of Baroque portraiture. It was probably Charles the first himself who set Petitot to copy, in miniature, the portraits of the royal family by Anthony van Dyck.²²²

Mayerne was the son of Louis de Mayerne, author of the *General History of Spain* and of the *Monarchic aristo-democratique*, dedicated to the States General, and had for his godfather Theodore Beza; it was only Mayerne’s religious beliefs that had prevented him from being appointed physician to Henry IV of France, so esteemed he was in the eyes of Monarchs.

We know of this physician’s first visit to England being in 1607, having had under his care a noble Englishman. Mayerne then had a private conference with James, but returned to Paris, and remained there till the assassination of Henry IV in May 1610. It was in the following year, only the preceding one to the present year that interests us, where James had caused the physician to be invited by his Ambassador and so became Court physician to himself and Queen Anne, in which capacity he continued to Charles I and Charles II, though under the latter, Mayerne’s office was merely nominal till his death in 1655. Mayerne was admitted

²²⁰ Ibid.,

²²¹ (b.1607–d.1691)

²²² Three of these, dated 1638, survive: Charles I, Charles II, when Prince of Wales (both Welbeck Abbey, Notts) and Queen Henrietta Maria (The Hague, Willem V Mus). All are of astonishing finesse and delicacy of tonal nuance. It was at the English Court that Petitot met Jacques Bordier (1616–84), who became his collaborator and is generally reputed to have painted the hair, draperies and backgrounds of his miniatures, while Petitot himself concentrated on the demanding areas of the face and hands.

Doctor at two Universities, and College of Physicians. He was knighted by James on July 14, 1624, and was a particular favourite of Queen Henrietta Maria.

v. Coke's "folly of his tongue"

In Mayerne's collection of medical cases, for which he wrote prescriptions and the cases of his patients, was written everything that related to Prince Henry's last illness; this section, however, does not presently exist; it has been torn out. In Welldon's *Memoirs*, relating to the Overbury case that we will deal with in our next section, an intelligent truth is written:

"It was intended the law should run in its proper channel, but was stopped and put out of course by the folly of that great clerk, Sir Edward Coke, though no wise man who in a vain glorious speech, to show his vigilance, enters into a rapture as he sat on the Bench saying 'God knows what become of that sweet babe Prince Henry, but I know somewhat.' And surely in searching the cabinets he [Coke] lighted on some papers that spoke plain in that which was ever whispered, which, had he gone on in a gentle way, would have fallen in of themselves, not to have been prevented, but this folly of his tongue, stopped the breath of that discovery, of that so foul a murder, which a tear cries still of vengeance."

The first of importance to establish from Welldon's account is Coke's "folly of his tongue." And in order to do this, I need to give an extract of Coke's letter written to James during the Overbury trial, which will be given in full in the next section were we deal with the poisoning of Overbury. The letter was written on November 27, 1615, and the last paragraph concerns us. Throughout the letter, Coke gives his description of examinations that was done on the perpetrators of Overbury's poisoning, and at the end, regarding Somerset, he says: "As soon as he [Somerset] was condemned, and returned to close prison I sent a grave and learned divine to him who had been with all the other prisoners, with instructions to press his

conscience in divers particulars as well in this [Overbury's poisoning] as in other poisonings, wherein no industry or care shall fail to find any further matter." ²²³

We now may put a question that would need an answer in order to continue. Why would the prestigious Lord Chief Justice Coke hint darkly at some important secret affecting persons of high station? What was his motive when he said: "God knows what became of that sweet babe Prince Henry, but I know somewhat." Coke's motive is very important to establish, and since motive is rarely unselfish, we need to know what is behind Coke's powerful words.

Noone, not even Coke could have dared allow such words be hinted in a state trial of murder, no matter what their conscience told them, no matter what they knew or thought was to be the truth. Coke's motive can finally be found in his last paragraph of his letter; he confesses to the King that he planted "a grave and learned divine" next to Somerset in prison; he then instructs this "divine" to lure Somerset into giving away "divers particulars as well in this [Overbury's poisoning] as in other poisonings." Notice his careful wording to the King: Not only Somerset is being pumped for information by this plant "divine" on the Overbury poisoning, but is also being pumped to tell "in other poisonings" and this is the unselfish motive of Coke's when he hinted on Prince Henry's death four years later from his seat on the bench; this is the reason Coke felt indestructible in Court when he said: "God knows what became of that sweet babe Prince Henry, but I know somewhat." Coke knew he would not be reprimanded by the King for saying this, because it was the King himself who told Coke to drop that hint. Coke's motive was steered by James's motive: If they could get Somerset to confess to both poisonings (Prince Henry and Overbury's), then James had total control over Somerset. He could keep Somerset's mouth sealed forever, no more blackmail from his falling favourite. And this can be fortified by giving Bacon's saying of Coke's actions in the Overbury case, for it is well known that Francis Bacon and Edward Coke had been rivals for many years: "The Lord Chief Justice's name thus occurring, I cannot pass it by, and yet I cannot skill to flatter. But this I will say of him, and I would say as much to ages, if I should write a story; that never man's person and his place were better met in a business, than my Lord Coke and my Lord Chief Justice, in the case of Overbury."

²²³ State-Paper Office, Document Papers, 1615, November 27, No. 825.

The second of importance to establish from Welldon's account is Coke's discovery of cabinet papers. Were some of these papers from Mayerne's collection portraying to medical cases? If so, where are the torn sheets that detail the Prince's death? Did Coke tear them out? Did Coke hand these papers to someone who tore them out? Very serious questions that not even time may answer should these medical cases be burnt to Jacobean ashes.

At Prince Henry's deathbed, Mayerne was thirty-nine, who thought it right to remedy young Henry by "shaving the boy's head and applying warm cocks and pigeons newly killed." Coke would have been pulsing into his ailing age of sixty and the Prince's parents, James at forty-six and the mother Anne at thirty-eight, would have been attending these ridiculous remedy ceremonies as would have been the Prince's guardian, John Erskine, aged fifty-four.

In order to strengthen the evidence of Prince Henry's death, and the charges attributed against James, Somerset, and Mayerne, we need to continue with a very complete account of the fatal illness of Prince Henry, exhibiting his state during the twelve days of its duration, which was later published by Sir Charles Cornwallis in his *Life of the Prince* and is given here. I have also added from Birch's account on the *post mortem*, which can be found in his *The Life of Henry Prince of Wales* (1760).²²⁴

vi. Sir Charles Cornwallis

Before going into the account, I will introduce the writer of it, Sir Charles Cornwallis, of Suffolk, was second son of Sir Thomas, Comptroller of the Household to Queen Mary of England. Nothing is known of him till July 11, 1603, when he was knighted by James. Early in 1605, he was resident Ambassador to Spain with the Earl of Nottingham (Ambassador Extraordinary), and his dispatches fill a large portion of Winwood's *Memorials*. He was from the first very active in attempting to protect English merchants from the persecution of

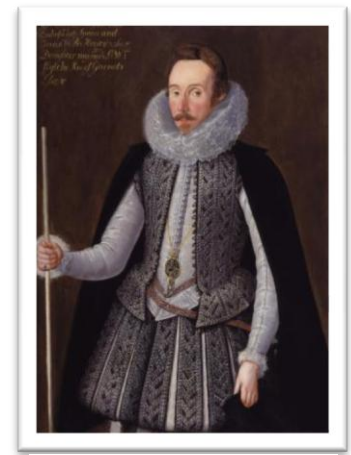


Figure 25:
Sir Charles Cornwallis

²²⁴ Spelling has been modernized through both accounts.

the Inquisition, and endeavoured in vain to impress the home government with the necessity of serving English commercial interests. He was recalled in September 1609, and his Secretary, Francis Cottington, took his place at Madrid.

In 1610, Cornwallis became Treasurer of the household of Prince Henry, with a salary of £80 with “bordwages or diet.” In 1609 his free-gifts came to the amount of £1,000.²²⁵ He resisted the proposal to marry the Prince to a daughter of the Duke of Savoy, and attended the Prince through his fatal illness of 1612. Cornwallis was also a candidate for the post of Master of the Wards in the same year; was one of four Commissioners sent to Ireland on September 11, 1613, to investigate Irish grievances, and reported that Ireland had no very substantial ground for complaint. In 1614 he was suspected of fanning the parliamentary opposition to the King. One Hoskins, who had made himself conspicuous in the House of Commons by his denunciation of Scotchmen and Scotch institutions, declared when arrested, that he was Cornwallis’s spy. Cornwallis disclaimed all knowledge of Hoskins, but admitted that he had procured the election of another Member of Parliament, and had supplied him with notes for a speech against recusants and Scotchmen. The Privy Council placed Cornwallis under arrest in June 1614, and he was imprisoned in the Tower for a year. After his release, he was living at Beeston, Suffolk, and then retired late in life to Harborne, Staffordshire, where he died on December 21, 1629. He is buried in London at St. Giles-in-the-Fields.

Cornwallis wrote *A Discourse of the most illustrious Prince Henry, late Prince of Wales* that was written in 1626, and published in London around 1641 then again in 1644, 1738 and 1751; it was also published in Somers’ *Tracts*, (Vol. II), and in the Harleian Miscellany. The narrative, I am giving here, is said to have been written in 1626²²⁶ a year after James’s death in 1625 and a stretch of fourteen years after the Prince’s death in 1612. Coke was still alive, who died in 1634; Somerset, the King’s past favourite, was still alive, who died in 1645. The only interested party in the whole affair, and still alive when Cornwallis writes out his Discourse, is Coke; he had his own strong reasons for Cornwallis to add into the narrative about the Prince’s death, since the King was in his grave, and the dead don’t bite. The only person who could have been a threat to Coke or Cornwallis, was Somerset who was still alive; yet, this past

²²⁵ Nichols, *Progresses of King James I* (Vol. I. 1828).

²²⁶ National Dictionary of Biography.

shining star of James's chambers had long been taken from the boards of the Court, was in disgrace after the Overbury trial in 1616, a case which Coke handled with supreme manner, though Somerset was pardoned by his lover, King James.

vii. Cornwallis's account of the fatal illness

Cornwallis

Whether the continual violence of his [Prince Henry's] exercises, or too frequent eating of abundance of grapes and other fruits, or some settled melancholy engendered by some unknown causes, cannot be determined.

Cornwallis, in the above and other passages, seems to hint a suspicion of foul play. Welldon, Wilson, Osborne, Welwood, and other collectors of private history, have more grievously insinuated the same accusation. Somerset was supposed to be the perpetrator of this villainy; and some have ventured to assert that the King was privy to the murder of his son. Francis Bacon, in his speech against Somerset (in the Overbury poisoning), is said to have hinted at the assassination of Prince Henry; and in the strange letter written by Somerset to James, he obviously claims merit for not having discovered some infamous secret. "But the mystery was probably of a different kind." Nichols (historian) had noted: "The distinct report of so many physicians may be safely admitted to counterbalance popular rumours, so easily founded on the general regret of a hopeful Prince, and hatred to an unworthy favourite, who was known to have been at variance with him." Yet, not to reveal untruths to past reports of dismissal, this research will show that Somerset, not only poisoned Prince Henry, but also murdered Overbury, though not by poison as was the official version. If James had a hand in the poisoning(s), I leave the readers to judge.

Cornwallis

Yet did he [Prince Henry] look still more pale and thin, from day to day, complaining now and then of a cold lazy drowsiness in his head, which, moved him many times to ask questions of

divers about him, concerning the quality, cure, and nature of the fever, called, for the strange diversity, the New Disease.

This “New Disease” mentioned by Cornwallis, was supposed to have come from Hungary, as Thomas Chapman in his *Epicede*, tells us. It was also the cause of death of the Countess of Oxford, stated by Nichols, and so was believed by the public to be the cause of Prince Henry’s death as seen in November 29, 1612, when Newton writes from St. James to Sir Thomas Edmonds: “It [the New Disease] hath lingered upon him [Prince Henry] above a fortnight, his Highness thinking, by the vigour of his spirit and strength of his body, to overcome it in such sort, that he scarce omitted his ordinary exercises of running at ring and playing at tennis. But, since Sunday last, the physicians, fearing that it should prove either a bastard tertian or the ordinary disease of the time, wherewith nil parts of the country have been much visited, have ranged him to the observance of their prescriptions, so that he hath not had yet a convenient time to read your last.”

Cornwallis

Belike, fearing some such like thing by his indisposition. He often used before this now and then, and in his sickness, to sigh often, whereof being sometimes demanded the cause by his physician Hammond,²²⁷ and others near him, he would sometimes reply, that he knew not, sometimes that they came unawares, and sometimes also that they were not without cause. At the beginning of October 1612, Prince Henry’s continual headache, laziness, and indisposition increasing, which notwithstanding because of the time he strove mightily to conceal, whereas often before he used to rise early in the morning to walk the fields, he did go to bed almost every morning until nine o’clock, complaining of his laziness, and that he knew not the cause; during which time, belike jealous of himself, he would many mornings before his rising ask the grooms of his bedchamber, ‘How do I look this morning?’ And at other times the same question again; which they, fearing no danger, to make his Highness laugh, would put off with one jest or other.

²²⁷ Henry his youngest son, born August 18, 1605, and well known for his works, where a long list is given in Wood’s *Athenæ*, by Bliss, Vol. III, col. 493 et seq.

Meanwhile, his indisposition still continuing and increasing, there might have been perceived in him a sudden great change; for he began to be displeased almost with everything, exceeding curious in all things, yet not regarding, but looking as it were with the eyes of a stranger upon them; for sundry things showed him, which before he wanted to talk of, ask questions, and view curiously, he now scarce vouchsafed to look upon, turning them away with the back of his hand, and departing, as who would say, take pleasure in nothing. Yet was he wonderfully busy in providing, and giving order for everything belonging to his care, for his sister's marriage, advancing the same by all means possible, keeping also his Highness the Palsgrave Company, so much as conveniently he could, together with Count Henry, his Excellency, Grave Maurice his brother, whom he also much honoured and esteemed, because of a noble and heroic disposition which he saw in him fitting his humor, with whom he used to play often at cards and tennis,²²⁸ delighting much in his company; and, above all the rest, one great match they had at tennis on Saturday October 24, the day before his last sickness, where his undaunted courage, negligently, carelessly, and willfully (neither considering the former weak estate of his body, danger, nor coldness of the season) as though his body had been of brass, did play in his shirt, as if it had been in the heat of summer; during which time he looked so wonderful ill and pale, that all the beholders took notice thereof, muttering to one another what they feared; but he, the match being ended, carried himself so well as if there was no such matter, having all this while a reasonable good stomach to meat; yet this night, at his going to bed, complaining more than usual of his laziness and headache.

Sunday October 25, 1612. The next day after his Highness' violent play at tennis, it was told him (the custom of the house being to have the Sermon bedtimes in the morning, for the most part where the Court lay so near, because he used after his own to hear the King's also) that Master Wilkinson, one of his father's Chaplains was ready and did present his service to preach that morning if it pleased his Highness to hear him; which he no sooner heard, but, contrary to his late usual custom of long time, although that morning he found himself somewhat drowsy and ill, addressed himself to be made ready; for he wonderfully delighted to hear the said Mr. Wilkinson, ever since the time, long before, in which he heard him preach a

²²⁸ Tennis and Pike had always been the Prince's most favourite amusements.

Sermon of Judgment, which he did so well like of that many times he did speak, affirming it to have been so excellent that he in a manner did show them the same. Long it was not and his Highness was ready and gone to the Chapel to hear him.

This Wilkinson and his published Sermons can be viewed in Nichols' *Progresses*,²²⁹ under the title: "A Pair of Sermons successively preached to a Pair of peerless and succeeding Princes; the former as an anti-funeral to the late Prince Henry, anno Dom. October 25, 1612, the first day of his last and fatal sickness; the latter preached this present year January 16, 1614, to the now living Prince Charles, as a preserver of his life, and life to his soul." Both Sermons are dedicated to Prince Charles.

Cornwallis

Sermon being ended, his Highness did commend the same, being very attentive all the time thereof; presently thereafter going into Whitehall, where he also did hear another Sermon with the King his father; which being also done, to dinner they went, his Highness in outward appearance eating with a reasonable good stomach, yet looking exceeding ill and pale, with hollow ghastly dead eyes perceived of a great many.

After dinner, for all his great courage and strife to overmaster the greatness of his evil, dissembling the same, the Conqueror of all, about three o'clock in the afternoon, began to skirmish with a sudden sickness and faintness of the heart, usual unto him, whereupon followed shortly after a shaking, with great heat and headache, which from henceforth never left him. His Highness finding himself thus suddenly taken, was forced to take his leave, departing home unto his bed; where being laid he found himself very ill, remaining all this evening in an agony, having a great drought, which after this could never be quenched but with death; his eyes also being so dim that they were not able to endure the light of a candle. This night he rested ill.

Monday October 26, 1612. The second day, his Highness finding intermission, which continued all that day, did arise, and put on his clothes, playing at cards that day, and the next

²²⁹ Nichols, *Progresses of King James I*, (1828), Vol. II. p. 103.

also, with his brother the Duke of York and Count Henry. Meanwhile there were many messages sent from the Court and everywhere else, to know how things went, all which, no person surmising the least danger, were answered with good hopes; yet his Highness for all this looked ill and pale, spoke hollow, and somewhat strangely, with dead sunk eyes, his dryness of mouth and great thirst continuing. This night resting quietly.

Tuesday October 27, 1612. The third day of his sickness, he found some ease in the morning; so that all were in good hope that it would have proved but some tertian, or bastard tertian at the most, notwithstanding that his Highness' ghastly rolling uncouth looks did put them in some fear. This day his Majesty did send Master Nasmith,²³⁰ his surgeon, to attend his Highness during his sickness; unto whom, and divers others conferring of his Highness' sickness and the danger of the same, Doctor Mayerne (his Majesty's chief Physician) did say, that, in his judgment, the surest way for his Highness' safety was bleeding. But his opinion not being allowed of the rest, there was as yet no consultation for bloodletting, nor any inclination that ways. This morning he did rise and put on his clothes; but his fit coming about none, first with a cold, then with a great heat, without any sweat, continuing until eight at night, he was forced to go to bed again. This night resting quietly.

Mayerne's opinion on the present occasion respecting bleeding appears to have been confirmed by the event; but he was disgraced at the time, which should rather have fallen on the physician Butler who was one of the greatest physicians and humourists of his time. Butler was Fellow of Clare Hall, Cambridge, and afterwards settled in that town. Among the many droll stories told of him, is one of Aubrey's: When Butler was once sent for to King James at Newmarket, the good doctor suddenly turned back to go home, and messengers was forced to drive him to the King. Butler died in 1618 at the age of eighty-two. His judgment of disease and methods of cure was sometimes termed extraordinary.

Butler is said to have made an unfavourable prognostic at first sight from the Prince's cadaverous look and Mayerne's conduct to bleeding the Prince on the above occasion, which allowed him to obtain the approval for bleeding from James and his Privy Council.

²³⁰ Had received free gifts of £66 in 1605 and 1607.

Cornwallis

Wednesday October 28, 1612. The fourth day of his sickness, in the morning came Master Butler, the famous Physician of Cambridge, a marvelous great scholar, and of long practice and singular judgment, but withal very humorous; who, whatsoever he thought, comforting him with good hopes that he would shortly recover and that there was no danger, yet secretly unto others did not let to speak doubtfully, as they say his humour is, that he could not tell what to make of it, and that he did not well like of the same; adding further, that if he did recover, he was likely to lie by it for a great while, with divers other like speeches; neither could he be persuaded all the time of his Highness' sickness to stay any longer with him than one hour or thereabouts every morning, and so in the afternoon to give his counsel and advice with the rest.

What moved him [Butler] is not known; whether he did dislike the French Doctor's company, [Mayerne's] or because the cure was not committed to him as chief, or being jealous and disliking his Highness' disease, and therefore loved not to meddle too much in the cure, or whether his health or humour impeached the same, the curious may best learn from himself; yet having at his coming enquired what was done, he approved the same, and wished the continuance of the same proceedings until further judgment might be given of the same event.

It seems Butler sensed foul play was at hand. He wouldn't stay more than an hour, and if we are to believe Aubrey's tale above, that when he was once sent for to James at Newmarket, he suddenly turned back to go home, we may assume only that Butler knew who his King really was and what he and his favourite was capable of.

Cornwallis

Yet did his Highness find small or no ease, but his fever as yet not being continual, he did rise and put on his clothes, they all as yet conceiving reasonable good hopes.

Thursday October 29, 1612. The fifth day of his sickness, hopes began a little to diminish; howbeit that morning his headache was somewhat lessened, his breath also, which before was short, being longer, which moved him to put on his clothes, endeavouring to rise as he had done before; but his head being so giddy that he was not able to stand alone, he was forced to

betake him to his bed again; from henceforth ever keeping his bed. This evening there appeared a fatal sign, about two hours or more within the night, bearing the colours and show of a rainbow, which hung directly cross and over St. James' house. It was first perceived about seven a clock at night, which divers others looking thereupon with admiration, continuing until past bedtime, being no more seen. This night was unquiet, and he rested ill.

This lunar rainbow was the dread of these meteorological phenomena, as predicting the death of Princes and desolation of Kingdoms. It was deeply impressed upon the wisest men of the time, as appears from the following quotation: "At this time appeared a comet, which gave occasion of much discourse to all sorts of men; amongst others a learned Knight, Sir John Heydon, our countryman, confidently and boldly affirmed. That such persons were but abusers, and did but flatter greatness, who gave their verdict that that comet was effectual, as some would have it, or signal, as others judge it, only to Africa, whereby they laid it far enough from England. When this Knight, out of the consideration of the zodiac, which this comet measured, the inclination of his sword and blade, and to what place both the head and tail became vertical, together with other secrets, said, that not only all Europe, to the elevation of fifty-two degrees, was liable to its threatening, but England especially; yea, that person, besides, in whose fortune we are no less embarked than the passenger with the ship is in the pilot that guides the same, the truth whereof, said he, a few years will manifest to all men."

It was observed by Dr Bainbridge, a famous astronomer, that, toward the declination of the rainbow, December 11, it passed over London in the morning, and so "hasted more northwards, even as far as the Oreades."²³¹ The Poets on Prince Henry's death, as may be imagined, did not forget to allude to so poetical an assistant as this rainbow. And on Friday, October 30, 1612, the sixth day of Prince Henry's illness, there is no record by Cornwallis. I cannot find any comment on this by any of the authors or collectors as to why this day would be omitted. Possibly the spectacle of the rainbow took over Cornwallis's interest as it did all Londoners at the time.

²³¹ Rushworth's *Collections*, Vol. I. p. 8.

Cornwallis

Saturday October 31, 1612. On the seventh day, nature, as the day before, though not in quantity, did, as was said, show the necessity of bleeding; for which cause, it was with more instance again propounded and urged than ever, as the only means, under God, to save his Highness. At length, after much ado *pro* and *contra*, Mayerne urging and Butler chiefly withstanding the same, mistaking the first beginning of his Highness' sickness; in the end the three doctors: Mayerne, Hammond and Butler did agree, that on the morrow, being Sunday, the eighth broken and the seventh whole day of his last sickness, a vein should be opened; all this while, until the bleeding was past; they conceived good hope of his recovery, yet he remained dangerously ill.

You must imagine that all this while of his sickness the whole world did almost every hour send unto St. James' for news; the better sort, who were admitted to visit him, or acquainted with those near unto him, knowing the danger, the rest fearing nothing, imagining only to have been some common tertian, for which cause in many places near unto the city he was thought dead and gone, before they knew that he was dangerously sick. This night was more cruel and unquiet unto him than any other.

Sunday November 1, 1612. And the eighth day of his sickness, according to their former agreement, after much ado, Master Butler resisting to consent that he should be let blood, because, as he said, it was the eighth day, preferring to have left them, until he was forced to stay and give his consent; Dr. Hammond and others proving unto him that it was not the eighth day, his Highness being ill of a long time before, howsoever he strangely, with a wonderful courage and patience, concealed the same.

His Highness being still, after one, in the presence of the foresaid doctors and divers others of very good worth, was drawn out of the median of his right arm, seven or eight ounces of blood; during which time he fainted not, bleeding well and abundantly, desiring and calling to them to take more, as they were about to stop the same, finding some ease as it were upon the instant. This day after his bleeding he found great ease; and in the afternoon he was visited by his royal father, mother, brother, sister, the Palsgrave, with others of the Court; all which conceiving good hopes departed from thence reasonably cheerful. Yet that night, though better than others, he passed unquiet.

Monday November 2, 1612. The ninth day, Doctor Atkins,²³² a Physician of London, famous for his practice, honesty, and learning, was sent by his Majesty to assist the rest in the cure; whose opinion, as they said, was that his Highness' disease was a corrupt putrid fever. This day and the next he was visited by the King his father, and others of the Court, who's exceeding sorrow cannot be expressed; yet were they still fed with some good small hopes of his recovery. At this while, although he grew worse and worse, yet none discouraged him with any speech of death, so loath were they to think of his departure, he himself being so tormented with this and the next day's sickness that he could not think thereof; or, if he had, yet the physicians' courage and hope of life, which good opinion (his unspeakable patience not any way complaining, so that he could not have been known to be sick but by his looks) moved them to conceive, telling him there was no danger, dashed the same.

This night came upon him greater alienations of brain, ravings, and idle speeches out of purpose, calling for his clothes and his rapier, saying, he must be gone, he would not stay, to the great grief of all that heard him, whose hopes now began to vanish.

Tuesday November 3, 1612. The tenth of his sickness, he became worse than before, all his former accidents increasing exceedingly, his bounding being turned into convulsions, his raving and benumbing becoming greater, the fever more violent; whereupon bleeding was again proposed by Mayerne and the favourers thereof, who still affirmed that he did dislike the too sparing proceeding with his Highness; alleging that in this case of extremity, they must, if they mean to save his life, proceed in the cure as though it were to some mean person, forgetting him to be a Prince whom they had now in hand, otherwise he said, for ought he saw, because he was a Prince he must die, but if he were a mean person he might be saved.

This day, for easing of the extreme pain of his head, the hair was shaven away, and pigeons and cupping glasses applied to lessen and draw away the humour and that superfluous blood from the head, which he endured with wonderful and admirable patience, as though he had been insensible of pain; yet all without any good, save perhaps some small seeming hope of comfort for the present. Now began the pilots who guided this frail bark of his Highness' body almost to despair to escape the ensuing tempests; some of whose looks did now more than ever

²³² Dr Atkins had attended the Earl of Salisbury during his fatal illness. He died at his house in Warwick-court, near Warwick-lane, September 22, 1634.

discourage the rest. For this night he became very weak, the fever augmenting, the raving becoming worse than ever, in which he began to toss and tumble, to sing in his sleep, proffering to have leaped out of the bed, gathering the sheets together, the convulsions being more violent.

Wednesday November 4, 1612. On the following (the eleventh day) a cock was cloven by the back, and applied unto the soles of his feet, but in vain; the cordials also were redoubled in number and quantity, but without any profit. This afternoon his Majesty hearing of his undoubted danger, although more sober than at other times, came to see him; but being advertised how matters went, and were likely to go, and what addition of grief it would be unto him to see his best-beloved son in that extremity, he was at last persuaded to depart without visitation; yet giving order and command before his departure, that from thenceforth, because his Highness was continually molested with a number which out of their love came to visit him, no creature should be admitted to see him, save those who of necessity must tend upon him, until the event and issue of his disease was seen, which was accordingly done; his Highness, for his more ease, being removed into another longer and quieter chamber.²³³

The removal of the Prince to a quieter chamber, and the expressed “order and command” of the King, that from now on “no creature should be admitted to see him, save those who of necessity must tend upon him,” has no bearings of ease or benefit to the patient Prince, only to the King and his favourite, Somerset. All commands and orders that flowed out of James’s mouth came from the explicit command of his favourite. There seems to be no need to hide the Prince’s condition; it was well-known to all. There was no need to keep the Prince (from now on) out of site and mind of those onlookers who visited him (out of courtesy and concern), except to conceal the last moments of the Prince. It is peculiar, though in extreme torture from his illness, somehow by a miracle, Prince Henry ordered all his private papers to be burnt, as Cornwallis admits further on.

²³³ Just over this chamber was the rainbow seen where Prince Henry died.

Cornwallis

But now all things appearing to be out of frame and confusedly evil, without hope of amendment, whereof the Archbishop of Canterbury hearing he made so much the more haste unto his Highness, when, after some discourse fitting that time, seeing so much care to be taken for the mortal body, the immortal soul being neglected, he asked his Highness whether there had been any prayers said in his chamber since his sickness; to whom he answered that there had not, alleging the cause to have been the continual toil of the doctors, apothecaries, and surgeons about him; and further, that until now, he was not put in mind thereof; but that for all that he had not failed to pray quietly by himself; which his answer pleasing them well, the Archbishop again demanded, if his Highness would now from thenceforth be contented to have prayers said in his chamber, which he willingly assented unto, asking which of his Chaplains were there present; amongst whom finding that Dr. Milbourne,²³⁴ Dean of Rochester, was then present, he willed the said Dean to be called, as being one whom for his learning, good carriage, and profitable preaching, above all the rest he ever affected and respected.

The Archbishop meanwhile, not willing too much to disquiet his Highness, called for to say prayers that evening at his Highness' bedside, where speaking somewhat low, fearing to offend his distempered ears, his Highness willed him to speak aloud, thereafter repeating the confession of his faith word by word after him; from henceforth the foresaid Dean continued to pray daily with him at his bedside until his departure. This night was unquiet as the rest.

Thursday November 5, 1612. The twelfth of his sickness, news was sent to his Majesty of the undoubted danger, and that there now remained no hopes or means of his Highness' recovery, but with desperate and dangerous attempts; which his Majesty considering gave leave and absolute power to Mayerne, his chief physician, to do what he would of himself without advice of the rest, if in such an extremity it were possible to do anything for his Highness' safety; but he, weighing the greatness of the care and eminency of the danger, would not for all that adventure to do anything of himself, without advise of the rest, which headways took, saying, it should never be said in after ages that he had killed the King's eldest son.

²³⁴ Richard Milbourne, D.D. born at London, though of a Pembrokeshire family, educated at Winchester and Queen's College, Cambridge. He was Minister of Sevenoke in Kent; Cantor of the Cathedral of St. David's Dean of Rochester; Bishop of St. David's in 1615; Carlisle 1621; and, died in 1624.

And to this physician's comment that "it should never be said in after ages that he had killed the King's eldest son," sparked the flame to the gunpowder that blew forth sky-high the rumour of Prince Henry's death by poison. Nichols says, that "had Dr Mayerne before enjoyed the whole direction, the Prince's life would in all human probability have been saved, and what the doctor is related to have said, that the patient must die because he was a Prince, was equally just and like the truth, yet now we find, when the responsibility is about to be wholly placed on him, he shrinks from the burden."

Nothing makes sense. The King orders to have the Prince removed to quieter chambers; the King wishes to give "leave and absolute power to Mayerne for the remainder of the course to do what he would of himself without advice of the rest;" the denial of Mayerne to undertake this leave and power; his fear of being accused in later times as to have "killed" the Prince; note he did not say "how" he would have been accused of killing the Prince.

James's fear of being blamed for his son's death may have caused all this inconsistency. But when one is innocent, no fear of injustice should prevail. Too many people, physicians, apothecaries and chaplains were witnesses; James was scared of blame. He was on his own there, Somerset probably scurrying along halls and corridors. So the King needed a scapegoat, and he always found scapegoats. However, Mayerne was too shrewd an accomplice to take the hangman's rope that was being handed to him by James; so not only does Mayerne refuse to take the power he was being offered, but also unravels the reason why: "It should never be said in after ages that he had killed the King's eldest son." Mayerne is confessing, in front of all witnesses, that he is being framed and being used as a scapegoat by James, who was most probably acting upon Somerset's expressed request. Notice how Mayerne does not hint upon the method of how he was supposed to have "killed the King's eldest son;" it is left to those around him, who heard him. And since the condition of the Prince's illness showed the extreme signs of poisoning, the mention of poison is very logically inferred to, though not voiced by this physician.

Earlier, I gave the account from Welldon, that Coke, upon searching the cabinets of Mayerne found some papers that spoke plain "in that which was ever whispered: God knows what become of that sweet babe Prince Henry, but I know somewhat." Coke did not hesitate to mention the foulness that had brought on the Prince's death. It should be remembered that after

Coke's discovery of Mayerne's papers, "everything that relates to Prince Henry's last illness is torn out of the book" where medical cases and prescriptions were written. Birch says: "It was speedily rumoured that the Prince had been poisoned." This speed resulted in Mayerne's statement of truth. Birch continues to tell us, that "the untimely death of this young Prince made so little impression upon the King and his favourite." We then have Harris who say "James's passion for his favourite extinguished his affection for his child Henry." And Harris's comment comes from the fact that is given to us by Cornwallis, which follows.

Cornwallis

His Majesty meanwhile, whose sorrow no tongue can express, not willing nor being able to stay so near the gates of so extreme sorrow, more like a dead than a living man, full of most wonderful heaviness removed to Theobalds, there to expect the doleful event. Meanwhile, amongst the doctors Mayerne, Hammond, Butler and Atkins, bleeding was now the third time proposed; but the rest of the Council disliking this advice did conclude to double and treble the cordials, making a revulsion from the head with a cluster, whose working was to small effect, save that his Highness became more sensible thereafter.

I find it imperative to interrupt once more, so soon, into the narrative, for Cornwallis's statement on how the cluster applied to the Prince's head made the patient "more sensible thereafter" is a strong admittance that this narrative was censored and strongly written under the hawk eyes of Coke. This will become clearer as we continue.

Cornwallis

In the meantime, the Archbishop of Canterbury, hearing of the danger, came unto his Highness in great haste, where, rending him in extreme danger, he thought it more than high time to go about another kind of cure; and therefore, like a wise and skilful physician, first trying the humour of his patient before he would proceed in the cure, he addressed himself gently and mildly to ask how his Highness found himself since his departure; at whose reply, seeing everything amiss, he began again further to feel his mind, first preparing him his antidote against the fear of death, that the preparation thereunto, meditation and thinking thereof, could,

nor would, bring death the sooner but the contrary rather, arming himself so much the more against it; withal putting him in mind of the excellency and immortality of the soul, with the unspeakable joys prepared for God's children, and the baseness and misery of the earth, with all the vain, inconstant, momentary, and frail pleasures thereof in respect of heavenly joys, with many other most excellent meditations against the same fear of death.

Having thus prepared him to hear, the Archbishop went further, putting the Prince in mind of the exceeding great danger he was in; and that although he might recover, as he hoped he should, yet he might also die; and that since it was an inevitable and irrevocable necessity that all must die once, late or soon, death being the reward of sin, he asked, if it should so fall out, whether or no he was well pleased to submit himself to the will of God; to which he answered, yea, with all his heart. This conference, with a great deal more, the Archbishop had with him to this purpose; which may also give unto you absolute satisfaction of his soul's health, if thereunto his life be considered. After which, fearing he should too much disquiet him, with many good exhortations, he took leave for that time.

This day, being November 5, a day of everlasting remembrance and thanksgiving for our deliverance from the powder treason, was order given everywhere unto all churches to pray for his Highness, until when the great danger was unknown to the commons, which was effectually as ever until his death performed.

On November 12, 1612, Chamberlain wrote in the following manner about the news of the Prince's death to Carleton: "When I was closing up my last letter I understood more of the Prince's sickness than I was willing to impart; for I knew it would be no welcome news anywhere, and I was in hopes the world might amend. But going the next morning, November 5, to hear the Bishop of Ely preach at Court upon Lament, iii. 22, I found by the King and Queen's absence from the Sermon, and by his manner of praying for him [Prince Henry] how the case stood, and that he was *planè deploratus*. For I cannot learn that he had either speech or perfect memory after Wednesday night, but laying as it were drawing on till Friday between eight and nine that he departed. The world is here much dismayed at the loss of so hopeful and likely a Prince on such a sudden; and the physicians are much blamed, though no doubt they did their best. It is verily thought the disease was none other than the ordinary ague that hath

reigned and raged almost all over England since the latter end of the summer; which by observation is found must have its ordinary course and the less physic the better, but only sweating and an orderly course of keeping and government. The extremity of the disease seemed to lie in his head; for remedy whereof they shaved him, and applied warm cocks and pigeons newly killed; but with no success. It was generally feared he had met with ill measure [foul play] and there wanted not suspicion of poison, but upon the opening of him the next day toward night there was nothing found. His heart was sound and good; his stomach clean; his liver a little perished; his lungs somewhat mere and spotted; his gall was clean gone and nothing in it; his spleen very black; his head full of clear water; and all the veins of the head full of clotted blood. In his extreme they tried all manner of conclusions upon him, as letting him bleed at the nose, and whatsoever else they could imagine; and at the last gave him a quintessence sent by Sir Walter Raleigh, which, he says, they should have applied sooner, that brought him to some show of sense and opening of his eyes; and some will needs say, speech; but all faded again presently. Among the rest he [Raleigh] hath lost his greatest hope, and was grown into special confidence with him, in so much that he had moved the King divers times for him, and had lastly a grant, that he should be delivered out of the Tower before Christmas. His Funeral shall be kept the 7th of next month. His revenue was near £60,000 a year,²³⁵ which returns to the crown till the young Prince [Charles] be of more years. But the Duchy of Cornwall shall not come to him at all, as the lawyers say, by a quirk of law, that it is only entailed *primogenito Regis*; and so was adjudged against Henry VIII being then Duke of York, after the decease of his brother Prince Arthur.”²³⁶

Raleigh may be said to have been that person, whose future destiny Prince Henry's death affected more than that of any other individual, as the above correspondence also proves. The mutual friendship they had is generally known. A strong proof of the Prince's regard to Raleigh (alluded to by Chamberlain above) is related as follows.

²³⁵ The account, which was taken after the Prince's death, of his revenue, expenses, and jewels, is printed in the *Archæologia*, Vol. XV. pp. 15, from Sir Julius Cæsar's MSS.

²³⁶ Birch, *The Court and Times of James the First*, (1848), Vol. I: Correspondence between John Chamberlain and Dudley Carleton, dated November 12, 1612.

On February 28, 1608, Sir George Chaworth writes to the Earl of Shrewsbury, that Somerset is now the favourite.²³⁷ At this period, to return to the old author before quoted: “No suite, no petition, no grant, no letter, but Carr [Somerset] must have a hand in it; so that great rewards are bestowed upon him by suitors, and large sums of money by his Majesty, by which means his wealth increased with his favour.” In 1608, or early 1609, an ample grant of lands in the counties of Dorset and Somerset was given to the favourite. These had been the property of Raleigh, under grant from Elizabeth, and forfeited by him. And though Lady Raleigh earnestly petitioned the King’s compassion for herself and children, the land being entailed on them, it is said she obtained no other answer than “he mun have the land, he mun have it for Car.” That James rejected Lady Raleigh’s addresses is well documented.²³⁸

Prince Henry’s affection for Raleigh, not long after, prompted him to request these lands from his father, as we saw in the beginning of this chapter, where he fully intended to restore all lands and property to Raleigh. Accordingly, we find that Somerset, in 1611 received £500 as a free-gift, and £20,000 more for his interest in the manor of Sherborne lately given to him; while Lady Raleigh was silenced with £8,000 for composition for Sherborne. But the lands having reverted to the crown on Prince Henry’s death, Somerset in 1613 obtained them again by paying £2,000 to the King. Of all these proceedings see fully in Hutchins’ *Dorsetshire*.²³⁹

Having for the first time collected the history of Somerset until his elevation to the Peerage, an account of his further progress shall be delayed for other occasions. But, while speaking of his outrageous fortunes, after becoming a Viscount, he received another free-gift of £5,000 on that year, and the year following the sum of £15,500.

The high-spirited Prince Henry is reported to have once enthusiastically exclaimed of Raleigh’s imprisonment: “None surely but my father would keep such a bird in a cage!” Birch says: “That eminent writer, soldier, and Statesman [Raleigh] had designed to address to the Prince a discourse *Of the Art of War by Sea*, which his Highness’ death prevented the author from finishing. He had written likewise to the Prince another discourse of a *Maritimal Voyage*, with the passages and incidents therein; but this is only mentioned by him in his *Observations*

²³⁷ Lodge, Vol. III. p. 366.

²³⁸ Harleian Miscellany: A Brief Relation of Sir Walter Raleigh’s Troubles.

²³⁹ Vol. IV. pp. 82, 84.

Concerning the Royal Navy. He had also intended, and, as he expresses it, shown out a second and third volume of his *History of the World*, which were to have been directed to his Highness; ‘but it has pleased God’, says he in the conclusion of his first volume, ‘to take that glorious Prince out of this world, to whom they were directed.’”

Cornwallis

This day, and at sundry other times since his confusion of speech, he would many times call upon Sir David Murray, Knight (the only man in whom he had put choice trust) by his name, ‘David! David! David!’ Who when he came unto his Highness demanding his pleasure, in extremity of pain and stupefaction of senses confounding his speech, sighing, he did reply, ‘I would say somewhat, but I cannot utter it.’ Which form he still used so long as he had any perfect sense or memory. This done also, but too late to assist the rest, came Doctor Palmer and Doctor Giffard,²⁴⁰ famous physicians for their honesty, learning, and physic, who with the former four went all six to a consultation what now remained finally to be done; wherein by some, as they say, was again propounded the necessity of bleeding, the opportunity whereof was now over passed.

In the end, the doctors, long before this despairing of his recovery, did at last agree upon *diascordium* and the only means under God, now remaining, which, tempered with cooler cordial, was given him in the presence of many honourable gentlemen about ten o’clock at night; the operation whereof was small or none.

This night was unquiet as the rest, his accidents remaining in the same sort, but now and then speaking, but so confusedly that he could not be understood. Among the rest this night, about midnight, Master Nasmith, his Majesty’s surgeon, sitting on his bedside, his Highness pulled him unto him by the hand, speaking unto him somewhat, but so confusedly, by reason of the rattling of his throat, that he could not be understood; which his Highness perceiving, giving a most grievous sigh as it were in anger, turned him from him, thereafter, unless he was urged, never speaking unto him or any. In this extremity Sir David Murray, who in this one death suffered many, came unto him, entreating him, and asking him, that if he had anything to say

²⁴⁰ This physician appears in the disputation before the Prince and his father at Oxford in 1605.

which troubled him, that he would make known his mind; but his spirits being overcome, and nature weak, he was not able to say anything, save that of all other business he gave order for the burning of a number of letters in a certain cabinet in his closet, which presently after his death was done.

I find Cornwallis's paragraph irregular. How could the dying Prince have the strength, senses or even the interest to utter such a command for his letters to be burnt, since Cornwallis himself states that Nasmith could not understand what the Prince was telling him due to the "rattling of his throat" yet coherent to Murray for "the burning of a number of letters in a certain cabinet in his closet," and so done after the Prince's death. Upon this bizarre moment, I have come across no comment from historians, not even from Birch.

Cornwallis

Friday November 6, 1612. [Final day] Not long after about three o'clock his backbone, shoulders, arms, and tongue, by reason of the horrible violence of the convulsions, disjointly dividing themselves, the effect showing that the retentive power was gone, the spirits subdued, the seat of reason overcome, and nature spent; in which extremity, fainting and swooning, he seemed twice or thrice to be quite gone; at which time there arose wonderful great shouting, weeping, and crying in the chamber, Court, and adjoining streets, which was so great, together with something else which they used, that they brought him again.

This cry was so great that all those in the streets thought he had been dead; whereupon it went for the most part current in the city and country that he was gone. Thus given over of all into the hands of God did his Highness lie in extreme pain, during which, still now and then, till two or three hours before his death, looking up, and speaking, or endeavouring to speak, which for confusion and extremity of pain, being so near gone, could not be understood, all the world were ready in this despair to bring cordial waters, diaphoretic and quintessential spirits, to be given unto him; amongst which one in the afternoon was ministered which set that little nature remaining on work, forcing a small sweat, which too late, was the first he had. Sir Walter Raleigh also did send another from the Tower, which whether or not to give him they did a while deliberate.

Dr. Welwood, in his notes on *Wilson's Life of James I*,²⁴¹ says that the cordial from Raleigh was sent at the request of Queen Anne, who had received relief from it in a fever some time before. Raleigh sent with it a letter, expressing concern for the Prince: "And, boasting of his medicine, stumbled unluckily upon an expression to this purpose, that it would certainly cure him, or any other fever, except in case of poison." Raleigh's wording in the letter is not accidental; he had warned the Prince to be very careful, not to listen to "them" and to "fly from their deceits."²⁴² Now, the Prince dying, whilst being administered Raleigh's cordial, the Queen in the agony of her grief showed Raleigh's letter, and lay so much weight on the expression about poison, that to her dying day, she could never be dissuaded from the opinion that her beloved son had died of foul play. It could be argued, that Raleigh's expressions probably flowed from an overweening conceit in the force of his own medicine, but are perhaps to be numbered among the circumstances, which ensured his destruction.

The report that the Prince was poisoned was not coming from one source, but from everywhere: From the cracks of Court chambers to the bricked tops of castle towers. Some surmised that Prince Henry was poisoned by a scent, as inhaled poisons are very serious because of the damage that can be done to the lungs and other tissues of the body; and though Raleigh's cordial had no effect on Prince Henry, it was afterwards celebrated, as is proved by the following extract from Evelyn's notes, September 20, 1662: "I accompanied his Majesty to M. Febure, his chemist (and who had formerly been my master in Paris) to see his accurate preparation for the composing Raleigh's rare cordial; he made a learned discourse before his Majesty in French on each ingredient: a compound of pearl, musk, hart's horn (ammonia), bezoar stone (a concretion found in the intestine)."²⁴³ If Raleigh's cordial was switched by the King, since he was present at its preparation, is not unlikely, because the Jacobean era had been mentally a slave to the alembic, which, wrapped in clouds of mystery, had descended from the Middle Ages. Both the Bacons (Roger and Francis) worshipped this type of physical philosophy, and Raleigh knelt no less reverently by their side.²⁴⁴

²⁴¹ *Complete History of England*, Vol. II. p. 714.

²⁴² *Sir Richard Steele's Englishman*, p. 9.

²⁴³ *Evelyn's Memoirs*, Vol. I. p. 340.

²⁴⁴ MS. State Paper Office, September 29, 1618.

Cornwallis

After the operation of the first, his Highness rested quietly a little while, presently after falling into his former extremities; whereupon, as the last desperate remedy, with the leave and advice of the Lords of the Council there present, the cordial sent by Raleigh, [if it was not switched] after it had been tasted and proved, was given unto him, but in vain, save that forcing that spark of life that remained, it brought him again into a sweat; after which, as before, he had some rest for a little while. In vain did they strive against the stream; for he shortly after became wonderful ill again; sight and sense failing, as also all the infallible signs of death approaching. In which extremity, the Archbishop of Canterbury being there present, who seeing it was now the time of times, before the last gasp, to minister some comfort unto his Highness, if as yet there were any sense remaining, came unto him, first speaking aloud, putting him in mind of all those things which he had spoken unto him the day before in his perfect sense. All this while also, from three o'clock in the morning until night, there was continual prayer in the house, and in every place where the danger was known. His Highness, at last, half a quarter, or thereabouts before eight o'clock at night, yielded up his spirit unto his immortal Maker, Saviour and Restorer, being attended unto Heaven with as many prayers, tears and strong cries as ever soul was.

The corpse shortly after, as the custom is, was laid along upon a table on the floor, being the fairest, cleanest and best proportioned, without any kind of spot or blemish as ever was seen. On the morrow after came the Lords of the Council, by appointment from his Majesty, to give order for the opening of his body, which was the same night effected about five o'clock in the evening, in presence of the physicians and chirurgeons [surgeons] who assisted the cure, together with the physician of the Prince Palatine, with many other Knights and gentlemen, in the chamber where he died, by the chirurgeons of his Majesty and his late Highness, under all their hands.

viii. Official post mortem

And with that last statement given, Cornwallis ends his narrative for us. The following is from a manuscript found in the Cotton Library and was printed in Birch's *Life of Henry Prince of Wales* (1760); it gives the official report of the dissection, signed by the physicians.

Official Report of the Dissection

Saturday, November 7, 1612

The next day, the Lords of the Council came, by appointment of his Majesty, to give orders for the opening of the Prince's body. This was done the same day about five in the evening, in the presence of the physicians and surgeons, who had attended him, of the physician of the Elector Palatine, and of many Knights and gentlemen, by the surgeons of his Majesty and his late Highness. The report, signed by them, was as follows.

After the opening of the most illustrious Prince, we observed these things: That his liver was more pale than it would be, and in divers places wan, and like lead; and the gallbladder was without gall and choler, and full of wind. His spleen was in divers places unnaturally black. His stomach was without any manner of fault or imperfection. His midriff was in many places blackish. His lungs were black,²⁴⁵ and in many places spotted, and full of much corruption. He had the veins of the hinder part of his head too full of blood, and the passages and hollow places of his brain full of much clear water.

The truth of this relation we make good by the subscription of our names.

November 7, 1612.

T. Mayerne; Henry Atkyns; John Hammond; Jo. Gifford; Rich Palmer; William Butler.

I stand in the same opinion with Cornwallis when he states that the Prince patiently was "striving so long to overmaster and hide his health," though disagree with his "judgment, did much wrong the physicians, who by reason of his patience never dreamed of his danger." At least one of the physicians knew of the danger: Mayerne.

²⁴⁵ Possibly Prince Henry tended to smoke tobacco (potent as it was in those days) and had been influenced by Raleigh on this habit who was a heavy smoker, as was Elizabeth; James, however, hated the habit.

If the Prince was feeling ill before he collapsed, then if noone else, he should have consulted Raleigh whom he seemed to trust. But it does not strike you, when you are feeling somewhat ill, that you have been mistreated or even poisoned, and so Cornwallis justly says that the Prince “neither showed discomfort nor complained of any.”

Birch stated that though the rumours were malignant, and poison was suggested, no symptoms of such a thing appeared, especially in the stomach, which is commonly most affected by poison; hence that report soon died away.²⁴⁶ Birch’s dismissal is somewhat naïve here; a toxicology exam would have been needed to detect poison. Moreover, Birch contradicts himself, when he later adds an extract of correspondence of the times and then gives his valued opinion. “It was generally feared he [Prince Henry] had met with ill measure, and there wanted not suspicion of poison; but, upon the opening of him, the next day toward night, there was nothing found.”²⁴⁷

Birch immediately gives his opinion to this gossip correspondence: “There is nothing conclusive in this: For, in the first place, there were poisons which left no trace of their presence; and, in the next, if the effects of poison had been visible, the physicians would have been afraid to say so. The unusual course of having a post mortem examination of the Prince shows that the suspicion of foul play must have been very strong at that time; and the more the matter has been looked into since, the more decided has been this impression. Indeed, more than one writer has ventured to assert, that the atrocious crime was perpetrated with the connivance of the King, whose notorious jealousy of the popular young Prince at this period, and foolish fondness for his younger brother Charles, induced a wretch well-known to have been guilty of similar practices, the King’s favourite Viscount Rochester, [Somerset,] to cause the Prince to be secretly put out of the way. Welldon, in his *Court and Character of King James*, also suggests that the Prince was poisoned; and Arthur Wilson countenances that notion, which is likewise adopted by Dr Welwood, who in his *Memoirs* after styling the Prince the darling of mankind, and a youth of vast hopes and wonderful virtues, remarks that it was the general rumour at the time of his death, that his Highness was poisoned; and that there is in

²⁴⁶ Birch, *Bacon’s Works*, (1763).

²⁴⁷ Birch, *The Court and Times of James the First*, (1848), Vol. I: Correspondence between John Chamberlain and Dudley Carleton, dated November 12, 1612.

print a Sermon preached at St. James upon the dissolution of his family, that boldly insinuated some such thing. By this sermon Welwood must mean that of Mr. Hall; in which, however, at least as it is reprinted in the London edition of his works in 1617 (Fol. I) we have met nothing with any expression that carries the least insinuation of that kind.”

Welwood also adds that Francis Bacon, in his speech at the trial of the Earl of Somerset, dropped some hints upon the intimacy of Somerset with Overbury, which seemed to point that way; there being several expressions left out of the printed copy of the trial that were in that speech. Bishop Burnet likewise tells us, that he was allured by Colonel Titus that he had heard Charles the first declare that the Prince (his brother) was poisoned by the means of the Viscount Rochester, afterwards Earl of Somerset.

To give only a flavour here of the Overbury case, as it will be treated in detail in the next section, Countess Somerset and her Lord were consigned to the Tower; the former confessed her guilt; but the latter grew bolder the nearer he came to his trial, and ventured to throw out some hints which threatened the King. It has generally been understood, that these hints referred to the suspicious death of Prince Henry: It is at least certain, that they threw James into frustration, and had means to induce the prisoner to confess his guilt, even to prevent his implicating him in any way. It is believed that some negotiation took place that purchased the criminal's release with his life, because though Somerset and his Countess were found guilty, on the clearest testimony, they were both pardoned, and survived James several years.

Gossip correspondence-December 7, 1615

Mrs. Brittaigne is committed to the King's Bench for some speeches she used of Prince Henry's poisoning, which she denied; but two men, upon oath, depose she spoke it. ²⁴⁸

Gossip correspondence-January 3, 1622

It is said, Coppinger (a familiar of the Earl of Somerset) who sent away his lawful wife of good name, and married one of no good report, falling out with the Earl, hath let fall some speeches about Prince Henry's death, and is for the same imprisoned. ²⁴⁹

²⁴⁸ Birch, *The Court and Times of James the First*, (1848), Vol. I: Correspondence between John Throckmorton and Trumbull.

Gossip correspondence-January 25, 1622

Here is much talk of Coppinger that served the Lord of Somerset, and now accuses him as contriver of Prince Henry's death. He was committed to the custody of a messenger, and so continues, no great hold being taken of what he says, because he is thought to be cracked in his wit, as well as in his estate, which is utterly ruined and desperate.”²⁵⁰

I close this case with offering a peculiarity of the time when Prince Henry died: The same day, there was an “accident” as it was termed. A young fellow, much about Prince Henry's age, and very much like him in appearance, came stark naked to St. James, while they were at supper, saying he was the Prince's ghost that had come from heaven with a message to the King. He was arrested, examined, and later put in jail. Some said he was naïve, whilst others said he was mad. This boy belonged to one of the Chancery, so the only penance they gave him was two or three lashes, which he endured, as it seemed, and keeping him naked as he was all night, the next day transferred him to the porter's lodge, where thousands came to see him. The King sent to have him discharged.²⁵¹

Nichols says of this peculiar event: “The autumn of 1612 was remarkably sickly; intermittent fever raged like a pest in London; many persons were ill with the putrid epidemic, and many died the same night with the low fever that had carried off the Prince of Wales. A handsome young student escaped from Lincoln's Inn in the delirium of the same fever, and came all undressed to St. James, having hidden his clothes in an open grave. The royal corpse lay in state at St. James and the poor lunatic declared he was the ghost of Prince Henry, come from Heaven on a message to his parents. The poor creature was kept at the porter's lodge all night without his clothes, and was given some lashes by the Prince's servants to induce him to confess who set him on, his tormentors having no faith in the Shakespearian aphorism, that a madman's revelations are no gospel. The King had the poor youth released when he heard of

²⁴⁹ Birch, *The Court and Times of James the First*, (1848), Vol. I: Correspondence of Rev Joseph Mead.

²⁵⁰ *Ibid.*, Correspondence between John Chamberlain and Dudley Carleton.

²⁵¹ *Ibid.*, Vol. I: November 19, 1612.

the adventure, and desired that he might be taken care of; but he escaped, and was never more heard of. He probably threw himself into the Thames.”²⁵²

We would like to think that the King’s orders that the boy “be taken care of” was not the reason behind the boy’s disappearance, or the motive for diving into the river Thames. Such “suicides” have also been termed convenient to throw Jack the Ripper into the Thames and to have disappeared.

ix. Facts, irregularities, conclusion

The untimely death of this young Prince made so little impression upon King James and his favourite, Somerset.

It was quickly rumoured that the Prince had been poisoned.

Historians and writers hint a suspicion of foul play in Prince Henry’s death: Devereux, Francis Bacon, Edward Coke, Welldon, Winwood, Birch, Nichols, Spedding, Cornwallis, Osborne, Wilson, Chapman, Wilkinson, Harris. And many more are out there to be researched.

Somerset and James are regarded as the chief contrivers in the Prince’s death, assisted by Sir Théodore Turquet de Mayerne, the almost scapegoat.

From Mayerne’s medical cases, the duration of Prince Henry’s illness is torn out.

Somerset held a fatal secret over James and would not allow himself to be hanged for the Overbury murder in 1616. He was pardoned by James and they continued their correspondence till the King’s death that has been suspected to have been speeded up by Buckingham’s mother, Lady Villiers.

James gives total control to Mayerne and no one else is to deal with the Prince in the final days of his illness. Mayerne refuses, stating he will not be blamed for “killing the King’s son.”

King James gives the “order and command” for the Prince to be removed to a quieter chamber; that from now on “no creature should be admitted to see him.”

The Prince, though insensible with pain and incomprehensible to everyone except Murray, orders all his papers in his cabinet to be burnt.

²⁵² Nichols, *Progresses of King James I*, (1828), Vol. I.

The King's passion for his favourite (Somerset) extinguished his affection for his child.

Cornwallis's account of the Prince's last days is censured by Coke; he now has nothing to lose and can justify his wording at the Overbury trial of the Prince's death. Possibly, Coke not only wished his wording in the past be left in history as justly said, but also to leave a deeper stain than we already have on James as King of England.

Raleigh warns the Prince not to listen to them and to "fly from their deceits."

Prince Henry promised Raleigh he would have him released by December 1612; a month shy from his own death.

All Prince Henry's revenue, after his death, goes to the crown and Somerset.

Raleigh sends his cordial asked by Queen Anne for her dying son; Raleigh writes "that it would certainly cure him, or any fever, except in case of poison." It is unfortunate that the King was present at the presentation of this cordial, and could have had it switched.

Bishop Burnet tells us, that he was allured by Colonel Titus, that he had heard Charles the first declare that the Prince (his brother) was poisoned by the means of the Viscount Rochester, afterwards Earl of Somerset.

x. Prince Henry's actions

The management of Prince Henry's house was handled with discretion, modesty, sobriety, and in a high reverence to pity; he would not keep any that did not agree with this kind of management. "He was not only plausible in his carriage," Birch tells us, "but just in payments, so far as his credit outreached the King's both in the exchange and the church. This Prince was the patron of the studies of Raleigh, for whose abilities he had a high esteem, and who drew up for his use, a discourse touching a match between the Lady Elizabeth and the Prince of Piedmont; observations concerning the royal navy and sea-service; and a letter touching the model of a ship. And in the year 1611, that worthy seaman, Sir Thomas Button, servant to the Prince, pursued the north-west discoveries at the instigation of that glorious young man."

No doubt, the Prince endeavoured to understand State affairs, and applied them to get a thorough knowledge of them; the Duke of Sully assures us of this: "That as soon as he had obtained his father's promise that he would at least, not obstruct his proceedings, he prevented

Henry IV's wishes; being animated with a thirst of glory, and a desire to render himself worthy the esteem and alliance of Henry: For he was to marry the eldest daughter of France. He wrote me several letters hereupon and therein expressed himself in the manner I have mentioned." And Welwood adds: "The Duke of Sully, being in England laid the foundation of a strict friendship betwixt his master and Prince Henry; which was afterwards carried on by letters and messages till the death of that King. Though it is a secret to this day what was the real design of all those vast preparations that were made by Henry IV before his death: Yet I have seen some papers which make it more than probable, that Prince Henry was not only acquainted with the secret, but was engaged in the design."²⁵³

Cornwallis, having written to Prince Henry from Spain, where he was Ambassador, the latter in a letter to Cornwallis, replies how he must particularly thank him for imparting to him his observations of that State: "I will make the best use I may; and since that is a study very well befitting me, and wherein I delight, I will desire you to acquaint me further in that kind as occasions shall be offered; that thereby the more ye may deserve my readiness to acknowledge it." Furthermore, before Edmondes departed for France, the Prince had him undertake the communications of events going on in France; and on September 2, Sir Adam Newton wrote from Richmond to Edmondes, to remind him of his promise to the Prince. "This opportunity offering itself so fitly, maketh me call unto your remembrance a promise which his Highness allegeth you made unto him at your departure, of imparting to him such occurrences, as that country yieldeth. I find his Highness doth expect it; and therefore acquaint you therewith."

The French perceived very early the forwardness of this young Prince, and thought proper to try to secure him to their interest; secretary Villeroy wrote to Monsieur de la Boderie (French Ambassador in England) from Fontainebleau, on July 18, 1608, that Henry IV had told him, he had more desire than ever to seek the friendship of the Prince of Wales, and, for that purpose, to gratify those about him, as that Ambassador thought fit. And there is a letter of Prince Henry's to Edmondes, dated September 10, 1612, urging him to prosecute the scheme of uniting the Prince and the heads of the Protestant party in France, against the ministers of that Court.

²⁵³ Welwood's *Memoirs*, p. 20.

From such authorities it can be seen how this young Prince governed his interest. In short, he was the very reverse of his father, and therefore not much esteemed by him. “The vivacity, spirit, and activity of the Prince soon gave umbrage to his father’s Court, who grew extremely jealous of him; and Edmondes, though at a distance, seems to have been sensible of this, and to have been more cautious on that account of corresponding with his royal Highness.” (Birch)

The Prince was sensible of his needs and influences in his father’s Court; a letter of his to Edmondes on September 10, 1612, reveals how he excuses himself from interposing in his favour, with regard to asking preferment for him: “Because as matters go nowhere, I will deal in no businesses of importance for some respects.” Osborne therefore seems to have been well informed when he said “the King, though he would not deny anything the Prince plainly desired, yet it appeared rather the result of fear and outward compliance, than love or natural affection; being harder drawn to confer an honour or pardon, in cases of desert, upon a retainer of the Prince, than a stranger.”

However, Prince Henry was the darling of the English nation, his Court was well filled, and his attendants were numerous; in life he was highly loved, and after death equally lamented by all but his father, and his favourite at the time being Somerset. “On November 6, 1612, proved fatal to this Prince who died at the age of eighteen, at St. James of a disease, with which he had been seized in the preceding month: But the prevailing opinion of that time and since adopted by some of our historians, though contradicted by the unanimous report of his physicians, was, that his end was hastened by poison. And this notion received some countenance, from the little concern, which was shown at his death by the Court, though the nation considered it as an irreparable loss.” (Birch)

Secrets have a way of slowly, but surely, climbing up out of the sand of deceits and trickery, till they surface into the blue sky of revelation. Motive is rarely unselfish as I have more than once pointed out; and from the evidence given above coming from various references and statements of so many witnesses of the time and shortly after, it can almost be said with assurance, that Prince Henry was poisoned and removed as heir to the throne of England. We definitely see the perpetrators of this business as being Somerset, who was strongly backed up by his King and the Court physician of the time, Mayerne. Four years later, Somerset is condemned for poisoning Overbury; he has no intentions of hanging for

Overbury's death. He begins to blackmail the King who, like a silly schoolgirl, twitters and shakes the foundation of legal justice in his favour to get Somerset's guilty charge pardoned. The King has Coke, the Chief Justice over the Overbury trial, to drop a dark hint in Court regarding Prince Henry's death; he confesses he planted a "divine" to extract information from Somerset who was in the Tower at the time, to allow slip, not only to Overbury's poisoning, but also to other poisonings. We know of no other poisoning where Somerset is said to be implicated, except of Prince Henry's, four years before. Such a confession, if extracted from Somerset, could allow James to finally have Somerset trapped, possibly blackmail him instead.

Somerset was shrewd; two steps ahead of this trickery. He reveals nothing to the planted "divine" and continues to blackmail James, till the latter is forced to pardon him, though Somerset was condemned in a Court of law on infallible evidence of his guilt in Overbury's murder. Cruel but true.

Somerset and James continued their correspondence till the King's dying day. How many more blackmail moments did James suffer from his past sin called Somerset, we will never know. It is evident that Somerset set the wheel of fear upon his King, the oldest tool of power. It choked the Monarch's conscience; made him a weakling to posh style and looks that drove scruples away from reality toward pathos. It was Francis Bacon who celebrates his King for having reigned twenty years in white robes without the blood of any Peer of the Kingdom, yet he acknowledges, that the axe had been turned more than once towards a Peer, though it had never struck.²⁵⁴ Welldon's words, in 1645, are sufficient to close this research on Prince Henry's death: "A tear cries still of vengeance."

²⁵⁴ Samuel Phillipps, *State Trials*, (1826), Vol. I.

B. The Overbury poisoning (1616)

Tempest²⁵⁵

By William Shakespeare

Their great guilt,
Like poison given to work a great time after,
Now 'gins to bite the spirits.

Epigram made in France
Whilst Elizabeth was King,
The English were of Spain the terror.
But now governed by Queen Jaquet, [James]
They only talk and prattle.



Robert Carr
First Earl of Somerset
(1590–1645)



Frances Carr
Countess of Somerset
(1590–1632)



Sir Thomas Overbury
(1581–1616)

²⁵⁵ Act III., a iii.

i. The accusations

It has been written how the real instigator to the murder of Sir Thomas Overbury was King James himself; the instrument he employed, was Sir Theodore Mayerne (Court physician also to Prince Henry); how Frances Carr Countess of Somerset was also engaged at the same time in an ineffectual attempt to poison Overbury; that the King, hearing of this some two years after, determined to make the Countess, and her accomplices, his own scapegoats; that accordingly, King James employed Sir Edward Coke and Sir Francis Bacon to set up a case against them, and manage the prosecution to ensure a conviction; how the King (or Coke with Bacon) had employed a clergyman, to betray the victims into fake confessions of their own guilt and to be publicized; that an official account of the trial was produced, with misrepresentations, by the invention of circumstances against the prisoners; how the King's motive for poisoning Overbury was a fear the latter might in discontent reveal certain secrets and vices to which Professor Amos (author) supposed that the King, Somerset, Overbury and Overbury's confidential servant were all guilty of;²⁵⁶ how the King's motive for pardoning Somerset, after he had by such means sufficiently established his guilt, was fear that Somerset should in revenge (or in self-defense) disclose the fact that he was himself the murderer of Overbury; and finally, how King James was just the sort of man to do such things.

Spedding gives the opinion, that all the rumours surrounding Prince Henry's death being by poison, "was revived during the trial of the murderers of Sir Thomas Overbury, and obtained for a while an importance which it did not deserve, from some dark word prematurely dropped by Sir Edward Coke. It seems that Franklin, the apothecary who was concerned in the poisoning of Overbury, finding himself condemned to death, began to talk of certain dreadful disclosure which he could make if he liked; how more were to be poisoned than were yet known; how the Earl and Countess of Somerset had the most aspiring minds that ever were heard of; how the Earl never loved the Prince nor the Lady Elizabeth; [James's daughter;] how strange it was that the King kept an outlandish physician [Mayerne] about his person and the person of the Prince deceased; 'thereon' he said 'lieth a long tale;' how he knew things he was ashamed to speak of; and lastly (to come to the point) how he could make one discovery that

²⁵⁶ Amos, *The Great Oyer of Poisoning*, (1846).

should deserve his life: With other things of the same kind-devices of a condemned man to put off the day of his hanging. I have carefully considered all the charges, but not found any that seem worth answering. And as the whole of the evidence is before the reader, I leave them to make their own comments.”²⁵⁷

ii. The beginnings

Overbury was first mentioned in gossip correspondence of interest between John Sanford and Thomas Edmondes on March 6, 1610: “Of late, Sir Thomas Overbury, a great favourite of Sir Robert Carr, hath been mentioned.” Birch’s mention of this correspondence is of interest: “Of the numerous discreditable acts which tarnish the reputation of James I, the most infamous is his connection with the worthless adventurer Carr, for whom he disgraced the Peerage by raising him to its honours, when he bestowed upon him the Viscountcy of Rochester and Earldom of Somerset. Favouritism has often been urged against Queen Elizabeth as one of her worst faults; but, in excuse for her, it can at least be said that those on whom she bestowed her favour held rank amongst the most gallant of her subjects; and, if we are obliged to dwell upon the scandal which this occasioned, we must not forget her position and celibacy, and the sex of her favourites. Her successor [James] chose to gratify his inclinations by selecting from his own sex such as possessed personal recommendations only: For to a handsome countenance and well-shaped limbs, he was as sensitive as a schoolgirl; and no jilt on record ever abandoned the object of her attachment for a more desirable lover than did the King give up his preference when a more attractive candidate for it was presented to his attention.”²⁵⁸

In such a manner, Carr (later Somerset) appeared before the royal coquet, filling the post of equerry to Lord Hay, and the beauty of his face and person made such an impression on his Sovereign, that the previous favourite (Lord Hay) for a time fell into neglect, and his rival was overwhelmed with gifts and honours. With equal mannerism did James serve Villiers against Somerset at a later date.

²⁵⁷ James Spedding, *Works*, Vol. XII. pp. 11–13.

²⁵⁸ Birch, *The Court and Times of James the First*, (1848), Vol. I.

We have seen in our previous chapter, how the property of the gallant Raleigh was swept into the vortex of Court favouritism: This was however but a small item of the long account of James's skill in robbing Peter to give Paul.

At the beginning of April 1613 were instigated the beginnings of that diabolical plot which consummated the murder of Overbury, eventually the ruin of Somerset, and will trouble us in this section, and the circumstances that surround the plot begin on what was related by Parker to the King's Secretary (Sir Ralph Winwood) in a letter dated from London on April 22, 1613.

"Since I wrote to my Lady there is fallen out an accident whereof I thought fit to advertize your Lordship. Yesterday, about six of the clock, my Lord Chancellor and my Lord of Pembroke were employed by the King to speak with Sir Thomas Overbury, and to make him an offer of an Ambassage into the Low Countries or France, which he would. Whereto he made answer, that he was not capable of such employment for want of language, nor able to undergo it by reason of his weakness, being so exceedingly troubled with the spleen that if he had a long letter to write he was feign to give over; therefore he was not fit to attend any business, as in accepting this offer he must be forced to do. And whereas it was alleged that his Majesty intended this for his good and preferment, he would not leave his country for any preferment in the world." ²⁵⁹

On the trial of Richard Weston, the first of those that suffered for the crimes of their superiors in this case, it is stated by Nichols that Overbury's willingness to accept some office abroad was proved by the deposition of two or three several witness statements that were read in Court, and by the oath of Sir Dudley Digges, who voluntarily at the arraignment, in open Court, upon his oath witnessed how Overbury had imparted to him his readiness to be employed on an Ambassage. It was also shown that Somerset persuaded Overbury to refuse to serve Ambassador, where, he had said, "I shall not be able to perform such kindness to your advantage as having you with me; and if you be blamed or committed for it, care not; I will quickly free you from all harm."

²⁵⁹ Winwood's *Memorials*, Vol. III. p. 447.

Unknowingly that he was betrayed by a friend, Overbury refused the office. “Some say he [Overbury] added some other speech which was very ill taken, but what it should be I cannot yet learn.” Parker tells us. “But this report being made to the King, he sent my Lord of Pembroke for the Lords who were in Council, (my Lord Chancellor staying still with his Majesty) to whom he declared when they were come, that he could not obtain so much of a gentleman and one of his servants as to accept of an honourable employment from him. In conclusion he gave them order to send him to the Tower, where he is close prisoner. I leave all circumstances and preambles to your Lordship. Now for my Lord of Rochester, who had but newly begun to leave his chamber, he knew nothing till all was done and he gone, which your Lordship may imagine did much perplex him. But that evening my Lord of Pembroke and Sir Henry Neville were with him; and so were again this morning, who have given him so good advice, that if he follows it, as I hope he will, all will be well and no hurt to his friend.”

A month later, on May 6, 1613, Chamberlain in a long letter to Winwood sent the following interesting news. “I doubt not but you have heard what a noble part and example my Lord of Rochester showed here of late; for we being at a dead lift, and at our wits’ end for want of money, he sent for some Officers of the Receipt, and delivering them the key of a chest, bid them take what they found there for the King’s use, which they say was four or five and twenty thousand pounds in gold. Neither can you choose but be perfect in the true cause of Sir Thomas Overbury’s committing to the Tower, which was a contemptuous answer, and refusing of foreign employment offered him in the King’s name, and especially that he insisted that the King could not in law nor justice force him to forsake his country. But some say he was most urged to that of Muscovy, which drove him to that peremptory and unmannerly answer. Some say my Lord Rochester took Sir Thomas Overbury’s committing to heart. Others talk as if it were a great diminution of his favour and credit; which the King doubting, would not have it so construed, but the next day told the Council, that he meant him daily more grace and favour, as should be seen in short time; and that he took more delight and contentment in his company and conversation than in any man’s living. I understand that Sir Robert Killegrew was yesterday committed to the Fleet from the Counsel-table, for having some little speech with Sir Thomas Overbury, who called to him as he passed by his window as he came from visiting Sir Walter Raleigh.”

Among other things, the King no less completely lost sight of his position; but we have only space to allude to his dishonourable proceedings on behalf of his minion, to effect a divorce between the Earl of Essex and the infamous young creature to whom it was the latter's misfortune to have been married when a boy, the manner in which he tampered with the Commissioners appointed to try the petition of divorce, forms one of the foulest blots on his very blotted character. But the King had been engaged in a similar transaction for another favourite before his accession to the English throne. To understand our protagonists, we recollect briefly their course of life.

iii. The protagonists

The young Lady Essex was the daughter of the Lord Chamberlain the Earl of Suffolk, and was not less distinguished for her beauty than for her extravagance. She was married to Essex when both were children; he travelled abroad to improve his mind while she remained at Court to make the most of her beauty. Among those who enjoyed the reputation of sharing in her favours was Prince Henry and Somerset, the latter being madly in love with her, was jealous of the Prince that when he died, the lookers-on were prompt to suggest poison, and Somerset as the culprit. Whatever was said or thought, the King took the most decisive means to screen his protégé, and since Somerset's rival (Prince Henry) was removed, he was equally active in disengaging the young Countess from her husband. There remained no obstacle why he should not lawfully obtain her. However, some of his friends were not agreeing to this union, and the most stubborn was Overbury, who had been Somerset's counselor.

Overbury strove all he could to dissuade his friend from the connection, and, finding this ineffectual, expressed his determination to prevent it. This conduct excited the frustration both of Somerset and the Countess, and the former induced the King to have Overbury imprisoned in the Tower, where the Lieutenant of that fortress was replaced by a creature of Somerset's. While Overbury, covered with blains, blotches, and yellow spots, was yielding slowly to the effects of poison, he experienced violent pains, which he let his fellow-prisoner (Raleigh) provide him with plasters, not knowing the nature of the venom which was reveling through Overbury's system. The plasters proved useless: "Overbury's body fell to pieces almost before

death, immediately after which it was thrust like carrion (the word is Northampton's) into a hole in the earth."

The Countess' divorce having now been granted, she was married to the King's favourite, and for some months the guilty pair enjoyed such happiness as the vicious are allowed, but detection and ruin were dogging their steps only for a short time. Speaking of the discovery of Overbury's murder, Sir Simonds D'Ewes, in his autobiography, gives us this account:

"It came first to light by a strange accident of Secretary Winwood. His dining with Sir Gervase Elwaies (Lieutenant of the Tower) at a great man's table, the Earl of Shrewsbury's, not far from Whitehall. For that great man commending the same Elwaies to Winwood, as a person, in respect of his many good qualities, very worthy of his acquaintance, Winwood answered him, that he should willingly embrace his acquaintance, but that he could first wish he had cleared himself of a foul suspicion the world generally conceived of him touching the death of Overbury. As soon as Elwaies heard this being very ambitious of the Secretary's friendship, he took occasion to enter into private conference with him; and therein to excuse himself to have been forced to connive at the said murder, with much abhorring of it; he confessed the whole circumstances of the execution in general, and the instruments to have been set on work, by Robert the Earl of Somerset and his wife."

Winwood, having gained the true discovery, informed the King, who by now had fixed his eyes upon a new favourite, George Villiers. It was now easy for James to have Somerset removed from his Court and presence, and send him to the Tower.

Murder had long been suspected in regards to Overbury's death, however, none had dared to call the matter in question since Somerset was still influencing the King's ear, and could advance or depress whom he liked. On hearing that Winwood had informed the King, Somerset charged him with ingratitude; how Winwood had been advanced by his only means to the Secretary's place. But Winwood told him for his Secretary's place he might thank £7,000 which he gave him; and for the business in question, "he could neither with the safety of his life nor conscience, have concealed it."

It is not peculiar Winwood told James what Elwaies revealed to him; not because his conscience burdened him, but because James had initiated Elwaies to confess what he knew to Winwood, this way having leverage over Somerset on how the murder of Overbury was revealed. This threw blame on James's secretary instead of on himself. When it was clearly proved to James, on the most positive evidence, that Somerset and his new-married Countess had caused Overbury to be poisoned, James willingly had them arrested; but to the last moment assumed his customary affectionate demonstrations as witnesses of the time describe how they found the King embracing Somerset's neck and kissing his cheeks.

The Countess and Earl were now prisoners at the Tower; the former confessed her guilt, but the latter grew bolder the nearer he came to his trial, and ventured to throw out some hints which threatened the King. It has generally been understood, that these disclosures referred to the suspicious death of Prince Henry: It is at least certain, that they threw James into frustrating conditions, that some negotiation took place that purchased the criminal's release with his life; for, though Somerset and his wife were found guilty on the clearest testimony, they were both pardoned, and survived the King several years.

iv. Correspondence

Gossip correspondence-December 7, 1615

There is a seizure made of the Earl of Somerset's goods, plate, jewels, horses, &c., to his Majesty's use; and there is an inventory to be taken of it. The Lady Somerset is not yet delivered; but her time is said to be near at hand.²⁶⁰

Gossip correspondence-October 14, 1613

Sir Thomas Overbury died [September 15, 1613] and is buried in the Tower. The manner of his death is not known, for that there was nobody with him, not so much as his keeper; but the fullness of the corpse gave suspicion, and leaves aspersion, that he should die of the—²⁶¹ or

²⁶⁰ Birch, *The Court and Times of James the First*, (1848), Vol. I: Correspondence between John Throckmorton and Trumbull.

²⁶¹ As given in Birch's *Court and Times*.

somewhat worse. He was a very unfortunate man, for nobody almost pities him, and his own friends speak that indifferently of him.²⁶²

Gossip correspondence-July 20, 1616

The Lady's pardon was signed the other week. This day seven at night I saw it, and had it in my hand, before it went to the Seal. The special reasons and inducements for it were four: The great and long service of her father, family, and friends; her own penitence and voluntary confession, both before her arraignment and at the Bar; the promise of the Lord Steward and Peers to intercede for her; and lastly, that she was not principal but accessory before the fact, drawn to it by the instigation of base persons.²⁶³

Birch comments on this final correspondence: "The 'base persons' were her instruments, not her instigators, and had no interest in the murder, to which she was led entirely by revenge. James's special reasons and inducements for pardoning so vile a creature were very different from those alleged: And they did not escape some of his more observant subjects."

Letter from the Earl of Northampton to
Sir Gervaise Elwaies (Lieutenant of the Tower)²⁶⁴

Worthy Mr. Lieutenant.

My Lord of Rochester, desiring to do the last honour to his deceased friend, requires me to desire you to deliver the body of Sir Thomas Overbury, to any friend of his that desires it, to do him honour at his funeral. Herein my Lord declares the constancy of his affection to the dead, and the meaning that he had in my knowledge, to have given his strongest strain at this time of the King's being at Tiballds [sic] for the delivery. I fear no impediment to this honourable desire of my Lord's, but the un-sweetness of the body, because it was reported that he had some issues, and in that case the keeping of him above must needs give more offence than it

²⁶² Birch, *The Court and Times of James the First*, (1848), Vol. I: Correspondence between John Chamberlain and Dudley Carleton; (b) Nichols, *Progresses of King James I*, (1828), Vol. II.

²⁶³ *Ibid.*, Correspondence between John Chamberlain and Dudley Carleton.

²⁶⁴ Winwood's *Memorials*, Vol. II. p. 481.

can do honour. My fear is also that the body is already buried upon that cause whereof I write; which is so, it is too late to set out solemnity.

Thus with my kindest commendations I end and rest, your affectionate and assured friend.

H. Northampton

Postscript: You see my Lord's earnest desire, with my concurring care, that all respect he had to him that may be for the credit of his memory; but yet I wish with all that you do very discreetly inform yourself whether this grace hath been afforded formerly to close prisoners, or whether you may grant my request in this case, who speak out of the sense of my Lord's affection, though I be a Counselor is without offence or prejudice. For I would be loath to draw either you or myself into censure, now I have well thought of the matter, though it be work of charity.

On the back of the above-mentioned letter, are the following words in Elwaies's hand: "So soon as Sir Thomas Overbury was departed I wrote unto my Lord of Northampton; and because my experience could not direct me, I desired to know what I should do with the body, acquainting his Lordship with his issues as Weston had informed me and other foulness of his body which was then accounted the pox. My Lord wrote unto me, that I should first have his body viewed by a jury, and I well remember his Lordship advised me to send for Sir John Lidcote to see the body, and to suffer as many else of his friends to see it as would, and presently to bury it in the body of the quire, for the body would not keep. Notwithstanding Sir Thomas Overbury dying about five in the morning, I kept his body unburied until three or four of the clock in the afternoon. The next day Lidcote came thither; I could not get him to bestow a coffin nor a winding-sheet upon him. The coffin I bestowed; but who did wind him I know not. For indeed the body was very noisome so that, notwithstanding my Lord's direction, by reason of the danger of keeping the body, I kept it over long, as we all felt."

Letter from the Earl of Northampton
To the Lieutenant of the Tower.²⁶⁵

Worthy Mr. Lieutenant.

Let me entreat you to call Lidcote and some of his friends, if so many come, to view the body, if they have not already done it; and so soon as it is viewed, without staying the coming of a messenger from the Court in any case see it interred in the body of the chapel within the Tower instantly. If they have viewed, then bury it by and by; for it is time, considering the humours of that damned crew that only desire means to move pity and raise scandals. Let no man's instance move you to stay in any case, and bring me these letters when I next see you. Fail not a jot herein as you love your friends; nor after Lidcote and his friends have viewed, stay one minute, but let the priest be ready; and if Lidcote be not there, send for him speedily, pretending that the body will not tarry.

In post-haste at 12.

Yours ever.

Letter from Sir Edward Coke to King James I
November 27, 1615²⁶⁶

It may please your Majesty.

This day was convicted and attained James Franklyn physician for being accessory before the fact done, for the poisoning of Sir Thomas Overbury upon such plain and luculent proofs as all the hearers were satisfied. He was not proceeded withal until he had discovered sufficient matter against the Earl of Somerset, and that I had fortified his testimony, by other witnesses, which by God's providence I attained unto. For men as to a common fire every man endeavours himself to quench it, so to this powder poison, that threatens a common danger, every man is ready to testify what he knows or hears. And that the rather for that, they know a certain place to resort into, and to find one willing to sift out the truth without all respect of

²⁶⁵ Winwood's *Memorials*, Vol. II. p. 482.

²⁶⁶ State-Paper Office, Document Papers, 1615, November 27, No. 825.

persons. It falls now out by proof, that after that Franklyn had provided the poison, they first tried two of them upon a cat, which made the cat in such extremity for two days, wailing and mewling (for so they speak) as it would have grieved any to have heard her, and so died.

Whereupon the Countess sent for Franklyn and told him that the poisons were too strong, and said, that they must be so prepared as to lay longer in the body, before they should kill.

I have found out also that the party that brought the salt and sugar to the Countess that were poisoned with the white powder called *arsenic*.

It is also proved and confessed that as soon as Weston was apprehended, the Earl of Somerset came to the Countess laying then at the cockpit one evening, and thereupon Franklyn was presently sent for about ten of the clock at night, being then in bed, who presently came; and the first words the Countess spoke to him was, what now Franklyn? we shall all be hanged, for Weston hath been sent for by a pursuivant, and he hath confessed all, but upon your life Franklyn as you have sworn before, so swear again, and so he did (but not upon a book as before he had done) never to confess that you did bring to me or to Mrs. Turner any poison, for (said the Countess) Franklyn, if you confess, you are sure to be hanged, and by God if you confess, you shall be hanged for me, for I will not be hanged. With that Mrs. Turner said: No Madam, I will be hanged for you both, and thereupon the Countess went out to him. That was in the next chamber and brought these instructions from him, that Franklyn should deny that ever he spoke with the Countess, though he had so done a hundred times; and that he should say that he came always to Mrs. Turner for physic, and about going to cunning men and such like idle business.

And happy it is that Weston was taken when he was, for it was plotted to have poisoned both, him and Franklyn, but by the goodness of God they avoided it. And the Countess finding fault with Weston that he had not given Overbury poison enough, ²⁶⁷ Weston said that he had given him as much as would have killed twenty men; now forasmuch as he charges the Earl in such direct and particular manner, he was demanded openly at the Bar, whether his examinations

²⁶⁷ Welldon, in his *Memoirs*, states that: "Weston and then was Franklyn arraigned who confessed that Overbury was smothered to death, not poisoned to death, though he had poison given him. Here was Coke glad how to cast about to bring both ends together."

then showed to him taken before me and subscribed with his own hand were not true, which openly and clearly he confessed to be true divers times.

It is strange that such a wicked fellow and that (upon good proof) had *luem veneriam sive morbum Gallicum*, should be admitted to the Countess bedside, as both Franklyn and the groom of the chamber have proved. It was proved to his face, that he had been in divers places to enquire out the strongest poison, and being rebuked to deal with such things and admonished to think of God, he most blasphemously answered, let them think of God that care for him, for I have great personages that will bear me out in what I do, and can no favour at my Lord of Somerset's hands. And it was also proved that he confessed that he had a wicked spirit at his commandment and when he was once sick, he would gladly have been rid of him and offered to set him over to another.

As soon as he was condemned, and returned to close prison I sent a grave and learned divine to him who had been with all the other prisoners, with instructions to press his conscience in divers particulars as well in this as in other poisonings,²⁶⁸ wherein no industry or care shall fail to find any further matter.

The Charge Of Sir Francis Bacon, His Majesty's Attorney General
By Way Of Evidence Before The Lord High Steward,
And The Peers Against Robert Earl Of Somerset Concerning
The Poisoning Of Sir Thomas Overbury²⁶⁹

It may please your Grace, my Lord High Steward of England, and you my Lords the Peers; you have here before you Robert Earl of Somerset, to be tried for his life, concerning the procuring and consenting to the impoisonment of Sir Thomas Overbury, then the King's prisoner in the Tower of London, as an accessory before the fact. I know your Lordships cannot behold this nobleman, but you must remember his great favour with the King, and the great place that he hath had and born, and must be sensible that he is yet of your number and body, a Peer as you are; so as you cannot cut him off from your body but with grief; and therefore that you will

²⁶⁸ These "other poisonings" Coke mentions may allude to Prince Henry's death.

²⁶⁹ *Baconiana*, (1679).

expect from us, that give in the King's evidence, sound and sufficient matter of proof to satisfy your honours and consciences.

And for the manner of the evidence also, the King our master (who among his other virtues, excelleth in that virtue of the imperial throne, which is justice) hath given us commandment that we should not expatiate nor make invectives, but materially pursue the evidence, as it conduceth to the point in question; a matter that (though we are glad of so good a warrant) yet we should have done of ourselves; for far be it from us, by any strains of wit or art, to seek to play prizes, or to blazon our names in blood, or to carry the day otherwise than upon just grounds. We shall carry the lantern of justice (which is the evidence) before your eyes upright, and be able to save it from being put out with any winds of evasions or vain defenses, that is our part; not doubting at all, but that this evidence in itself will carry that force, as it shall little need vantages or aggravations.

My Lords, the course which I shall hold in delivering that which I shall say (for I love order) is this, first, I will speak somewhat of the nature and greatness of the offence which is now to be tried, and that the King, however he might use this gentleman heretofore, as the signet upon his finger (to use the Scripture phrase) yet in this case could not but put him off, and deliver him into the hands of justice. Secondly, I will use some few words touching the nature of the proofs, which in such a case are competent. Thirdly, I will state the proofs. And lastly, I will produce the proofs, either out of the examinations and matter in writing, or witnesses' *viva voce*. For the offence itself; it is of crimes (next unto high treason) the greatest; it is the foulest of felonies. And take this offence with the circumstances; it hath three degrees or stages: That it is murder; that it is murder by impoisonment; that it is murder committed upon the King's prisoner in the Tower. I might say, that it is murder under the colour of friendship, but that is a circumstance moral, I leave that to the evidence itself.

For murder, my Lords, the first record of justice which was in the world was a judgment upon murder, in the person of Adam's first born, Cain; and though it were not punished by death, but with banishment and mark of ignominy, in respect of the primogeniture, or of the population of

the world, or other points of God's secret will, yet it was adjudged, and was (as I said) the first record of justice. So it appeareth likewise in Scripture, that the murder of Abner by Joab, though it were by David respited in respect of great services past, or reason of state, yet it was not forgotten. But of this I will say no more. It was ever admitted, and so ranked in God's own tables, that murder is of offences between man and man (next to treason and disobedience of authority, which some divines have referred to the first table, because of the lieutenancy of God in Princes and fathers) the greatest. For impoisonment, I am sorry it should be heard of in this Kingdom: It is not *nostri generis nec sanguinis*; it is an Italian crime, fit for the Court of Rome, where that person that intoxicateth the Kings of the earth with his cup of poison in heretical doctrine, is many times really and materially intoxicated and impoisoned himself. But it hath three circumstances, which make it grievous beyond other murders, whereof the first is, that it takes a man in full peace; in God's and the King's peace, he thinks no harm, but is comforting nature with refection and food, so that (as the Scripture saith) *His table is made a snare*. The second is, that it is easily committed, and easily concealed; and on the other side, hardly prevented, and hardly discovered, for murder by violence Princes have guards, and private men have houses, attendants, and arms. Neither can such murders be committed but *cum sonitu*, and with some overt and apparent act, that may discover and trace the offender. But for poison, the said cup itself of Princes will scarce serve, in regard of many poisons that neither discolour nor distaste; and so passeth without noise or observation. And the last is, because it containeth not only the destruction of the malice man, but of any other; *Quis modo tutus erit?* For many times the poison is prepared for one, and is taken by another, so that men die other mens' deaths; *concidit infelix alieno vulnere*; and it is as the Psalm calleth it, *sagitta nocte volans*; [the arrow that flies by night;] it hath no aim or certainty. Now for the third degree of this particular offence, which is, that it was committed upon the King's prisoner, who was out of his own defense, and merely in the King's protection, and for whom the King and State was a kind of respondent, it is a thing that aggravates the fault much. For certainly (my Lord of Somerset) let me tell you this, that Sir Thomas Overbury is the first man that was murdered in the Tower of London, since the murder of the two young Princes. For the nature of the proofs, your Lordships must consider, that impoisonment of offences is the most secret: So secret, as if in all cases of impoisonment you should require testimony, you

were as good proclaim impunity. I will put book examples. Who could have impeached Livia, by testimony, of the empoisoning of the figs upon the tree, which her husband was wont, for his pleasure, to gather with his own hands. Who could have impeached Parisatis for the poisoning of one side of the knife that she carved with, and keeping the other side clean, so that herself did eat of the same piece of meat that the Lady did that she did empoison.

The cases are infinite (and indeed not fit to be spoken of) of the secrecy of impoisonment; but wise tries must take upon them, in these secret cases, Solomon's spirit, that where there could be no witnesses, collected the act by the affection. But yet we are not to come to one case; for that which your Lordships are to try, is not the act of impoisonment (for that is done to your hand) all the world by law is concluded, but to say that Overbury was impoisoned by Weston. But the question before you is of the procurement only and of the abetting (as the law termeth it) as accessory before the fact: Which abetting is no more, but to do or use any act or means, which may aid or conduce unto the impoisonment. So that it is not the buying or making of the poison, or the preparing, or confecting, or commixing of it, or the giving or sending, or laying the poison, that are the only acts that do amount unto abetment. But if there be any other act or means done or used, to give the opportunity of impoisonment, or to facilitate the execution of it, or to stop or divert any impediments that might hinder it, and this be with an intention, to accomplish and achieve the impoisonment; all these are abetments, and accessories before the fact. I will put you a familiar example. Allow there be a conspiracy to murder a man as he journeys by the ways and it be one man's part to draw him forth to that journey by invitation, or by colour of some business; and another takes upon him to dissuade some friend of his, whom he had a purpose to take in his company, that he be not too strong to make his defense; and another hath the part to go along with him, and to hold him in talk till the first blow be given. All these (my Lords) without scruple are abettors to this murder, though none of them give the blow, nor assist to give the blow. My Lords, he is not the hunter alone that lets slip the dog upon the deer, but he that lodges the deer, or raises him, or puts him out, or he that sets a toil that he cannot escape, or the like. But this (my Lords) little needeth in this present case, where there is such a chain of acts of impoisonment as hath been seldom seen, and could

hardly have been expected, but that greatness of fortune maketh commonly grossness in offending.

To descend to the proofs themselves, I shall keep this course. First, I will make a narrative or declaration of the fact itself. Secondly, I will break and distribute the proofs, as they concern the prisoner. And thirdly, according to that distribution, I will produce them, and read them, or use them. So that there is nothing that I shall say, but your Lordship (my Lord of Somerset) shall have three thoughts or cogitations to answer it: First, when I open it, you may take your aim; secondly, when I distribute it, you may prepare your answers without confusion; and, lastly, when I produce the witnesses or examinations themselves, you may again ruminare and re-advise how to make your defense. And this I do the rather, because your memory or understanding may not be oppressed or overlade with length of evidence, or with confusion of order. Nay more, when your Lordship shall make your answers in your time, I will put you in mind (when cause shall be) of your omissions.

First therefore, for the simple narrative of the fact. Sir Thomas Overbury, for a time was known to have had great interest and great friendship with my Lord of Somerset, both in his meaner fortunes, and after; insomuch as he was a kind of oracle of direction unto him, and if you will believe his own vaunts (being of an insolent Thrasonical disposition) he took upon him, that the fortune, reputation, and understanding of this gentleman (who is well known to have had a better teacher) proceeded from his company and counsel. And this friendship rested not only in conversation and business of Court, but likewise in communication of secrets of State. For my Lord of Somerset, at that time, exercising (by his Majesty's special favour and trust) the office of the Secretary provisionally, did not forbear to acquaint Overbury with the King's packets of dispatches from all parts, Spain, France, and the Low Countries. And this not by glimpses, or now and then rounding in the ear for a favour, but in a settled manner: Packets were sent, sometimes opened by my Lord, sometimes unbroken unto Overbury, who perused them, copied, registered them, made tables of them as he thought good: So that I will undertake, the time was, when Overbury knew more of the secrets of State, than the Council table did. Nay, they were grown to such an inwardness, as they made a play of all the world

besides themselves, so as they had ciphers and jargons for the King, the Queen, and all the great men; things seldom used, but either by Princes and their Ambassadors and Ministers, or by such as work and practice against, or at least upon Princes.

But understand me (my Lord) I shall not charge you this day with any disloyalty; only I lay this for a foundation, that there was a great communication of secrets between you and Overbury, and that it had relation to matters of State, and the greatest causes of this Kingdom. But (my Lords) as it is a principle in nature, that the best things are in their corruption the worst, and the sweetest wine makes the sharpest vinegar, so fell it out with them, that this excess (as I may term it) of friendship, ended in mortal hatred on my Lord of Somerset's part. For it fell out, some twelve months before Overbury's imprisonment in the Tower, that my Lord of Somerset was entered into an unlawful love towards his unfortunate Lady, then Countess of Essex; which went so far, as it was then secretly projected (chiefly between my Lord Privy Seal and my Lord of Somerset) to effect a nullity in the marriage with my Lord of Essex, and so to proceed to a marriage with Somerset.

This marriage and purpose did Overbury mainly oppugn, under pretence to do the true part of a friend (for that he counted her an unworthy woman) but the truth was, that Overbury, who (to speak plainly) had little that was solid for religion or moral virtue, but was a man possessed with ambition and vain glory, was loth to have any partners in the favour of my Lord of Somerset, and especially not the house of the Howards, against whom he had always professed hatred and opposition.

[Briefly interrupting Bacon's narrative, I find it peculiar how the official reason for Somerset to poison Overbury was because of the latter's disagreement on the unity between Somerset and the Countess. It is more likely some secret Overbury had against Somerset and King James caused him his life, and the marriage disagreement was only a screen. Remember Bacon's words to Somerset: "There was a great communication of secrets between you and Overbury."]

So all was but miserable bargains of ambition. And (my Lords) that this is no sinister construction, will well appear unto you, when you shall hear that Overbury makes his brags to my Lord of Somerset, that he had won him the love of the Lady by his letters and industry: So far was he from cases of conscience in this matter. And certainly (my Lords) howsoever the tragical misery of that poor gentleman Overbury ought somewhat to obliterate his faults; yet because we are not now upon point of civility, but to discover the face of truth to the face of justice, and that it is material to the true understanding of the state of this cause, Overbury was naught and corrupt, the ballads must be amended for that point.

But to proceed, when Overbury saw that he was like to be dispossessed of my Lord here, whom he had possessed so long, and by whose greatness he had promised himself to do wonders; and being a man of an unbounded and impetuous spirit, he began not only to dissuade, but to deter him from that love and marriage; and finding him fixed, thought to try stronger remedies, supposing that he had my Lord's head under his girdle, in respect of communication of secrets of State, or (as he calls them himself in his letters, secrets of all natures) and therefore dealt violently with him, to make him desist, with menaces of discovery of secrets, and the like.

[And with Bacon's statement here, I am justified by saying the marriage disapproval was only a screen; Overbury's murder was because he was about to reveal "with menaces of discovery of secrets, and the like."]

Hereupon grew two streams of hatred upon Overbury; the one from the Lady, in respect that he crossed her love, and abused her name, which are furies to women; the other of a deeper and more mineral nature from my Lord of Somerset himself, who was afraid of Overbury's nature, and that if he did break from him and fly out, he would mine into him, and trouble his whole fortunes. I might add a third stream from the Earl of Northampton's ambition, who desires to be first in favour with my Lord of Somerset, and knowing Overbury's malice to himself, and his house, thought that man must be removed and cut off. So it was amongst them resolved and decreed, that Overbury must die.

Hereupon they had variety of devices. To send him beyond sea, upon occasion of employment, that was too weak; and they were so far from giving way to it, as they crossed it. There rested but two ways, quarrel or assault, and poison. For that of assault, after some proposition and attempt, they passed from it; it was a thing too open, and subject to more variety of chances. That of poison likewise was a hazardous thing, and subject to many preventions and cautions, especially to such a jealous and working brain as Overbury had, except he were first fast in their hands. Therefore the way was first to get him into a trap, and lay him up, and then they could not miss the mark. Therefore ill execution of this plot, it was devised, that Overbury should be designed to some honourable employment in foreign parts, and should under-hand by the Lord of Somerset be encouraged to refuse it; and so upon that contempt he should be laid prisoner in the Tower, and then they would look he should be close enough, and death should be his bail. Yet were they not at their end. For they considered, that if there was not a fit Lieutenant of the Tower for their purpose, and likewise a fit under-keeper of Overbury. First, they should meet with many impediments in the giving and exhibiting the poison; secondly, they should be exposed to note and observation, that might discover them; and thirdly, Overbury in the meantime might write clamorous and furious letters to other his friends, and so all might be disappointed.

And therefore the next link of the chain, was to displace the then Lieutenant Waad, and to place Elwaies, a principal better in the impoisonment. Again, to displace Cary, that was the under-keeper in Waad's time, and to place Weston, who was the principal actor in the impoisonment, and this was done in such a while (that it may appear to be done, as it were with one breath) as there were but fifteen days between the commitment of Overbury, the displacing of Waad, the placing of Elwaies, the displacing of Cary the under-keeper, the placing of Weston, and the first poison given two days after.

Then when they had this poor gentleman in the Tower close prisoner, where he could not escape nor stir, where he could not feed but by their hands, where he could not speak nor write but through their trunks, then was the time to execute the last act of this tragedy. Then must Franklin be purveyor of the poisons, and procure five, six, seven several potions, to be sure to

hit his complexion. Then must Mrs. Turner be the say-mistress of the poisons to try upon poor beasts, what's present, and what works at distance of time. Then must Weston be the tormentor, and chase him with poison after poison, poison in salts, poison in meats, poison in sweetmeats, poison in medicines and vomits, until at last his body was almost come, by use of poisons, to the state that Mithridate's body was by the use of treacle and preservatives, that the force of the poisons were blunted upon him: Weston confessing, when he was chid for not dispatching him, that he had given him enough to poison twenty men.

Lastly, because all this asked [took] time, courses were taken by Somerset both to divert all means of Overbury's delivery, and to entertain Overbury by continual letters, partly of hopes and projects for his delivery, and partly of other fables and negotiations; somewhat like some kind of persons (which I will not name) which keep men in talk of fortune telling, when they have a felonious meaning. And this is the true narrative of this act of impoisonment, which I have summarily recited.

Now for the distribution of the proofs, there are four heads of proofs to prove you guilty (my Lord of Somerset) of this impoisonment; whereof two are precedent to the impoisonment, the third is present, and the fourth is following or subsequent. For it is in proofs, as it is in lights; there is a direct light, and there is a reflection of light, or back-light. The first head or proof thereof is, that there was a root of bitterness, a mortal malice or hatred, mixed with deep and bottomless fears that you had towards Sir Thomas Overbury. The second is, that you were the principal actor, and had your hand in all those acts, which did conduce to the impoisonment, and which gave opportunity and means to affect it; and without which the impoisonment could never have been, and which could serve or tend to no other end, but to the impoisonment. The third is that your hand was in the very impoisonment itself, which is more than needs to be proved; that you did direct poison that you did deliver poison, that you did continually hearken to the success of the impoisonment and that you spurred it on, and called for dispatch, when you thought it lingered. And lastly, that you did all the things after the impoisonment, which may detect a guilty conscience for the smothering of it, and avoiding punishment for it, which can be but of three kinds. That you suppressed, as much as in your want, testimony, that you

did deface, and destroy, and clip, and misdate all writings that might give light to the impoisonment; and that you did fly to the altar of guiltiness, which is a pardon, and a pardon of murder, and a pardon for yourself, and not for your Lady.

In this (my Lord) I convert my speech to you, because I would have you attend the points of your charge, and so of your defense the better. And two of these heads have taken to myself, and left the other two to the King's two Serjeants. For the first main part, which is the mortal hatred coupled with fear, that was in my Lord of Somerset towards Overbury, although he did palliate it with a great deal of hypocrisy and dissimulation even to the end; I shall prove it (my Lord Steward, and you my Lords and Peers) manifestly, by matter both of oath and writing. The root of this hatred was that that hath cost many a man's life; that is, fear of discovering secrets. Secrets (I say) of a high and dangerous nature; wherein the course that I will hold shall be this. First, I will show that such a breach and malice was between my Lord and Overbury, and that it burst forth into violent menaces and threats on both sides. Secondly, that these secrets were not light, but of a high nature, for I will give you the elevation of the pole. They were such as my Lord of Somerset for his part had made a vow that Overbury should neither live in Court nor country. That he had likewise opened himself, and his own fears so far, that if Overbury ever came forth of the Tower, either Overbury or he must die for it. And of Overbury's part, he had threatened my Lord, that whether he did live or die, my Lord's shame should never die, but he would leave him the most odious man of the world. And further that my Lord was like enough to repent it, in the place where Overbury wrote, which was the Tower of London. He was a true prophet in that: So here is the height of the secrets. Thirdly, I will show you, that all the King's business was by my Lord put into Overbury's hands, so as there is work enough for secrets, whatsoever they were. And like Princes' confederates, they had their ciphers and jargons. And lastly, I will show you that it is but a toy to say that the malice was only in respect he spake dishonourably of the Lady; or for doubt of breaking the marriage: For that Overbury was a coadjutor to that love, and the Lord of Somerset was as deep in speaking ill of the Lady, as Overbury.

And again, it was too late for that matter, for the bargain of the match was then made and past. And if it had been no more but to remove Overbury from disturbing of the match, it had been an easy matter to have banded over Overbury beyond seas, for which they had a fair way; but that would not serve their turn. And *periculum periculo vincitur* to go so far as an impoisonment, must have a deeper malice than flashes, for the cause must bear a proportion to the effect.

For the next general head of proofs, which consists in acts preparatory to the middle acts, they are in eight several points of the compass, as I may term it. First, that there were devices and projects to dispatch Overbury, or to overthrow him, plotted between the Countess of Somerset, the Earl of Somerset, and the Earl of Northampton, before they fell upon the impoisonment. For always before men fix upon a course of mischief, there be some rejections; but die he must one way or other. Secondly, that my Lord of Somerset was principal practicer (I must speak it) in a most perfidious manner, to set a train or trap for Overbury to get him into the Tower; without which they never durst [dared] have attempted the impoisonment. Thirdly, that the placing of the Lieutenant Elwaies, one of the impoisoners, and the displacing of Waad, was by the means of my Lord of Somerset. Fourthly, that the placing of Weston the under-keeper, who was the principal impoisoner, and the displacing of Cary, and the doing of all this within fifteen days after Overbury's commitment, was by the means and countenance of my Lord of Somerset. And these two were the active instruments of the impoisonment, and this was a business that the Lady's power could not reach unto. Fifthly, that because there must be a time for the tragedy to be acted, and chiefly because they would not have the poisons work upon the sudden, and for that the strength of Overbury's nature, or the very custom of receiving poison into his body, did overcome the poisons that they wrought not so fast, therefore Overbury must be held in the Tower. And as my Lord of Somerset got him into the trap, so he kept him in, and abused him with continual hopes of liberty; and diverted all the true and effectual means of his liberty, and made light of his sickness and extremities. Sixthly, that not only the plot of getting Overbury into the Tower, and the devices to hold him and keep him there, but the strange manner of his close keeping (being in but for a contempt) was by the device and means of my Lord of Somerset, who denied his father to see him, denied his servants that offered to be shut

up close prisoners with him, and in effect handled it so, that he was close prisoner to all his friends, and open and exposed to all his enemies. Seventhly, that the advertisement which my Lady received from time to time, from the lieutenant or Weston, touching Overbury's state of body or health, were ever sent up to the Court, though it were in progress, and that from my Lady, such a thirst and listening this Lord had to hear that he was dispatched. Lastly, there was a continual negotiation to set Overbury's head on work, that he should make some recognition to clear the honour of the Lady; and that he should become a good instrument towards her and her friends, all which was but entertainment, for your Lordships shall plainly see divers of my Lord of Northampton's letters (whose hand was deep in this business) written (I must say it) in dark words and clauses; that there was one thing pretended, another intended; that there was a real charge, and there was somewhat not real; a main drift and a dissimulation. Nay further, there be some passages which the Peers in their wisdom will discern to point directly at the impoisonment.

v. Downfall

On November 2, 1615, the Seals are taken from Somerset. He is commanded by Lord Wotton to lay down the Staff, the badge of the King's Chamberlain, and to appear before the King's delegates, who send him to the Tower, Sir George More being appointed to be Lieutenant.²⁷⁰ On November 9, 1615, Anne Norton, the widow of one Turner, Doctor of Physic, concerned in procuring poison for Overbury, is condemned for witchcraft and magic at Westminster and on November 11, being persuaded by a Minister Whiting,²⁷¹ Turner confessed, which she had denied on the Bench. She is hanged on November 14 at Tyburn. This woman was the widow of an apothecary or physician, in Paternoster-Row, who as Forman and many others of the period, had or pretended a bias to the study of natural magic and astrology. She had been educated with the Countess of Somerset, and was her counselor. She is described

²⁷⁰ Camden's *Annals*.

²⁷¹ Dr. Whiting and Dr. Felton, two of the King's Chaplains, attended Elwaies at his execution.

as being eminently beautiful; particularly in *Sir Thomas Overbury's Vision*, a Poem published in 1616, from which extracts are given in the last edition of Somers's *Tracts*.²⁷²

On November 18, 1615, Sir Gervase Elwaies, Lieutenant of the Tower, is condemned; and on Monday November 20 is hanged near the Tower. The same day, Sir Robert Cotton delivered a packet of Overbury's letters to the Lord Chief Justice Coke. It has never been revealed what these letters contained.

On November 27, 1615, Franklin, the apothecary who provided the poisons, is condemned in Westminster Hall. Collier, the disgraced scholar and forger, tells us: "Franklin was hanged on December 9, about half an hour after ten, at St. Thomas of Watering. As soon as he came out of prison, he went to the cart and leapt up into it with a great show of resolution. The hangman came to him and offered to put the rope about his neck, but he took it out of his hand and strived to put it about the hangman's neck, and laughed in doing it; then he stood upright and stretched himself, and gave money to everyone that begged of him, and all this in so strange fashion, which he continued till his death, that all men thought him mad or drunk."²⁷³

Poem on the Death of James Franklin

December 9, 1615

By Anonymous²⁷⁴

I am arraigned at the black dreadful Bar,
Where sinners (so red as scarlet) Judges are:
All my inditements are my horrid crimes,
Whose story will affright succeeding times,
As (now) they drive the present into wonder,
Making men tremble as trees struck with thunder.

On December 4, 1615, Sir Thomas Monson (Head Falconer to James) was again brought to his trial, and the indictment being read over, he was, contrary to all expectation, sent to the

²⁷² Vol. II. p. 339.

²⁷³ J. Payne Collier, *The Egerton Papers*, (1840).

²⁷⁴ Library of the Society of Antiquaries.

Tower to be indicted of high treason. The expectations of our two authorities, Sir John Throckmorton and Camden, seem with regard to Monson, to have been very different. The latter proved the more correct, inasmuch as Monson escaped not only death but also trial.

Sir Ralph Winwood (Secretary)
to Sir George More (Lieutenant of the Tower)
Sir Thomas Monson's imprisonment to be relaxed
June 18, 1616.²⁷⁵

His Majesty is graciously pleased that Sir Thomas Monson, now prisoner in the Tower, by reason of the long vacation, should have some release of his close imprisonment, both to enjoy more freedom of the air, and to have liberty to confer with such as shall have occasion to repair unto him, in the presence of the Lieutenant, or some such person as shall be deputed by him. For which this shall be your warrant.

On December 14, 1615, the Lord Chancellor, the Duke of Lenox, and the Lord Chief Justice had a conference with Somerset in the Tower. They captured Coppinger and Andrews (servants) and committed them.²⁷⁶

On December 17, 1615, Franklin is not executed; [see Collier's December 9 version above] for he now changes his confession. Monson should have been arraigned Thursday last, but the "press was so great that the judge nor jury could have passage to their places; so it is adjourned till Monday next. Some say that Monson made a petition to Coke that a great Lord might be near at hand at the time of his arraignment, if there should be need to call for him to justify something, that he was to deliver for the safeguard of his life."

Monson's participation in the murder remains unproved. It appears by Camden, that he was committed, like some other of his accomplices, for witchcraft. At his indictment, as related in *Truth brought to light by Time*, he pleaded his innocence, whilst the judges were (as frequently in those days) abusive. January 13, 1616, William Monson, brother of Thomas, is

²⁷⁵ A. J. Kempe, *The Loseley Manuscript*, (John Murray, Albemarle Street, 1836).

²⁷⁶ Camden's *Annals*.

carried to the Tower, and on January 19, Somerset and his Countess are indicted of felony, and the *billa vera* is found by the jury.

April 1616, Somerset and his Lady's arraignment should be on for April 29, but it is deferred till May 6. The public suspect these delays are for some reason; that there is a new Commission to examine and proceed the case, wherein Coke is omitted. The Lord Chancellor, the Duke of Lennox, and Francis Bacon (then Attorney General) have been at the Tower to examine Somerset; by now, Coke meddles no more since he delivered his papers and examinations to the Attorney to draw the process, and by April 27 the Peers were summoned by letters to sentence Somerset.²⁷⁷

May 15, the Trial of Somerset and his Countess, was delayed; Peers being assembled in Westminster Hall, and scaffolds being erected. The trial was deferred till May 22, because the Countess (as was reported) was indisposed.

May 22, the Trials of the Somersets were again deferred to May 24, and the Peers again summoned. On the latter day the Countess is brought to Westminster Hall before nine o'clock, the axe not being carried before her. The Chancellor of England, appointed Lord High Steward of England for this time, came a little after on horseback, servants attending him, and other Noblemen being six Serjeants-at-Law, the Clerk of the Crown in Chancery bearing the letters patent of the Steward, and Sir Richard Coningsby carrying the White Stall before them, together with the Seal-bearer. The two Barons, Morris and Russell, and two others of the Order of Knighthood followed after. The Countess confessing guilt is condemned to be hanged.

May 25, Somerset is taken to Westminster Hall a little before ten o'clock, having a cloak on with the George and Garter, the axe not being carried before him. The Chancellor comes, Coningsby on horseback bearing the Staff. Somerset is convicted of felony; and at nine the Court is dissolved *pro more*.

The report of the trials for the Overbury murder, with the exception of those of the Earl and Countess of Somerset, correspond *verbatim* with the reports of the trials published in the tract *Truth brought to Light by Time*. The dress of Sir Gervase Helwymen at his execution, it is believed, is the only circumstance in the tract, which has not been copied in the *State Trials*.

²⁷⁷ Camden's *Annals*.

The tract does not include the trials of the Somersets, and it is not apparent from what source Hargrave and Howell obtained them. The original manuscript of the trial of Somerset is among the archives of the State Paper Office, and endorsed “The Arraignment of the Earl of Somerset.” The endorsement is apparently in the handwriting of Winwood, James’s Secretary.

Documents show that the celebrated physician Mayerne was prescribing for Overbury during his imprisonment. Another of the King’s physicians (Dr Craig)²⁷⁸ appears to have been admitted to visit Overbury, by the express orders of Somerset, and also by Northampton. Lobell (apothecary) was a Frenchman, and was placed in immediate attendance on Overbury by his countryman Mayerne. He saw the dead body. The clyster, alleged to have contained corrosive sublimate, which was the only imputed cause of Overbury’s death, so stated by the government. It will appear that, if credit be given to Lobell, Overbury died of some sort of consumption. Mayerne’s prescriptions, which Lobell delivered to Coke, probably confirmed that opinion, or they would have been produced at the trial. This part of Lobell’s examination was suppressed, though his testimony upon other points was adduced against Somerset on his trial. It has been noticed that the printed report omits a fact contained in the manuscript report, that Somerset wished Lobell to write to Mayerne concerning physic to be administered to Overbury. There is a very curious piece of evidence, tending to create a suspicion that Lobell, in fact, caused the death of Overbury. If this were the case, the connection between Lobell and Mayerne, and between Mayerne and the King, tend to throw some new light on these mysterious transactions.

Wilson, who, from being the intimate friend of Essex, is entitled to peculiar attention in regard to the transactions under consideration, relates that the discovery of Overbury’s murder arose “from the apothecary’s boy that gave Overbury the clyster falling sick at Flushing, having revealed the whole matter, which Winwood, by his correspondents, had a full relation of.” Welldon confirms Wilson, and it is still more particular in his narrative of the discovery of the plot; for he mentions that the name of the apothecary’s boy was Reeve, and that he was afterwards an apothecary in London, and “died very lately.” He relates that Thoubal, who

²⁷⁸ Dr John Craig had been appointed the King’s Chief Physician May 2, 1603. In 1617 there were two physicians called Craig, the elder and the younger, both physicians to the King, who each received £100 per annum.

was a foreign spy, would not commit the story he had heard in writing, but only informed Winwood that he had a secret of importance to communicate if a licence for his returning to England could be obtained, which was accordingly granted. In a letter remaining in the State Paper Office, dated November 15, 1615, Winwood wrote to Mr. Wake in these terms: "Not long since there was some notice brought unto me that Sir Thomas Overbury was poisoned in the Tower; with this I acquainted his Majesty." The letter is full of news and gossip and, therefore, if Bacon's account of the discovery of the plot were true, it is, perhaps, likely that the circumstances of it would have been mentioned by Winwood to his friend.

It will naturally be asked, why was not Mayerne produced as a witness at Somerset's trial? Why was not Lobell interrogated more particularly as to the cause of Overbury's death? Why was not suspicion thrown on Lobell of having been concerned in poisoning Overbury, and not probed to the bottom? Why was not the relation attributed to Weston, that an apothecary poisoned Overbury with a clyster for a reward of £20, further inquired into in any of Weston or Franklyn's numerous examinations?

If the reader thinks that there are grounds for suspecting the truth of Francis Bacon's narrative of the discovery of the plot, (owing, according to his statement, to an introduction merely complimentary that was said to have passed between a deceased nobleman and an anonymous Counsellor of estate, which story, therefore, could not be easily confuted), why was the true history of the discovery concealed? A question of more importance, seeing that authorities concur in attributing the discovery of the plot to the confession of an apprentice of an apothecary placed in charge of Overbury by the King's chief physician.

The papers are so far relevant in this place, as they indicate that Somerset, the supposed person to have offered the poison, was willing that his victim should be visited by the King's doctors; they also awaken a suspicion, that, if the circumstances of Overbury's death had been minutely inquired into, it would have been found either that he did not die of poison, or that, if he did, some important circumstances connected with his death were kept out of public view. It would seem to have been very important for an impartial investigation of the charge against Somerset, to have inquired what means had been afforded to any of Overbury's relations of examining his body after death. All the evidence that could have been procured as to the *post*

mortem should have been collected; and then medical witnesses should have been examined as to the inferences which might be drawn from such appearances.

From the statements of Counsel at the different trials, it might be supposed that no relative or friend of the deceased had been allowed to see Overbury; that the body bore marks of poison; and that no coroner's inquest had sat upon it. It was ambiguously alleged that there had been no coroner's inquest "which could be found." It has been seen that Lobell, the apothecary who had attended Overbury during his imprisonment, saw his body after his death, and could, doubtless, have given material evidence upon the point under consideration. From the documents, it appears that a coroner's inquest did, in fact, sit upon Overbury's body; and that Lidcote, brother-in-law of Overbury, and other friends of the deceased, were invited to inspect his body after death by the express desire of Northampton. See this letter given earlier.

The preliminary arrangements for the Overbury trial would stamp Bacon and Coke as the wicked men recorded in histories, who have prostituted their consciences and talents in order to ruin a victim of royal caprice being no other than Somerset himself, who held all the King's cards to play the poker game. Worse still, the King had no cards to play against Somerset, and was played like a puppet taking down in historical disgrace those eminent bodies of the time, Bacon and Coke.

vi. James's ladder of favourites

To refresh our memory, in the autumn of the year 1607, there appeared at Court, in the suite of Lord Hay ²⁷⁹ a youth of "comely visage" named Robert Carr. Lord Hay, having a part to perform in a tilting match, sent his device to the King, according to the custom of those times, by Carr, who acted as his Esquire. In dismounting from his horse, the animal started, threw him to the ground, and his leg was broken by the fall. This accident, happening to one whose good looks James had already noticed, called for his sympathies, and ordered that Carr be attended to.

²⁷⁹ Son of Sir James Hay, of Kingask, created by King James successively Lord Sawlie, Viscount Doncaster, and Earl of Carlisle. His second wife was Lady Lucy Percy, whose beauty was celebrated by Waller and other poets. His expenditure was so enormous, that of £400,000 of gifts received from the King, he left at his death neither a house nor an acre of land.

James was also pleased to visit the interesting patient every day; the result of which was, that in the month of December 1607, the chrysalis, casting off the grubby form of a Page, which till then he had borne, burst forth in all the butterfly glory of a royal favourite. Carr was sworn gentleman of the bed-chamber, knighted, and no suit, petition, letter, or grant, from this time onward, either reached or departed from the royal hand, except through this favourite; by which means, and the lavish gifts of his master, he had become so rich in such a short time, that on April 9, 1611, he was elevated to the peerage as Viscount Rochester. But in 1614, a more handsome George Villiers obtained the office of cupbearer to the King.

Villiers had succeeded to Carr, now known as Somerset, as the object of James's passion, and the new favourite was surrounded by hungry relatives, who would undertake any service for a bribe. By coincidence, an honest man had become Secretary of State, Sir Ralph Winwood, who appears to have entertained, in common now with the greater part of the nation, a lofty admiration for Raleigh's genius, with warm sympathies for his sufferings. In James's venal Court, however, virtue by itself exercised but little influence. To give its exertions full efficacy they must be winged with gold.

Villiers had relatives needy and unscrupulous; and two of these, Sir William St. John and Sir Edward Villiers, his uncles, undertook for £1,500 to accomplish Raleigh's release and entire pardon. Only a small amount of that sum was paid, and therefore the release was conceded, but not the pardon. It was believed at the time that Raleigh neglected to complete the transaction through the persuasions of Bacon, who presented to him how the money would be better laid out in preparations for his voyage, since the royal commission with which he was to sail would in all respects be equivalent to a pardon. But the story rests on too slender a foundation to be relied upon. Bacon, who with the other crown solicitors drew up the commission, would have seen that it contained abundant openings, through which fatal bolts might be aimed at Raleigh's life, and could not therefore honestly have given the counsel attributed to him.²⁸⁰

²⁸⁰ James A. St. John, *Life of Sir Walter Raleigh*, (1868), Vol. II.

vii. Raleigh's unfortunate release

In 1617, want of money determined all the proceedings of the English government. A caricature found its way from the Netherlands to London, representing James with his pockets turned inside out, and a Dutchman inquiring if he had any more towns to sell;²⁸¹ alluding to his having given up Flushing and other places for money. To recruit his finances there were few proposals to which, however questionable, he would have turned a deaf ear; in fact, James is believed to have seriously intended to co-operate with France in intercepting the Spanish treasure fleet, without previously declaring war; but French diplomacy was at that time extremely ill-conducted in England, where Desmarets was no match for Gundamor;²⁸² otherwise it would have been easy to direct the proceedings of a Court, which a handsome bribe might at any moment have induced to espouse the cause of Conde and the Huguenots, of Marie di Medici, or of Spain.

A passage from Wilson's letter to James, in which he translates into his own language Raleigh's account of the plans he had formed in 1617 in conjunction with the government follows: "That his first dealing with Captain Gage was well known to your Majesty for what cause it was; and his last at Plymouth about bringing French ships and men to him to displant the Spaniards at St. Thomas, that the English might after pass up to the mine without offence; that for his negotiation with the Prince of Rohan and his brother, he confessed there was a purpose with seven good ships to be furnished by the French to set upon the India fleet as they came homeward, or else missing it to pass on to the mine; and he saith, the cause that this succeeded not, that your Majesty would not let him go to the Prince of Rohan, having denied him before to the King of Denmark, who would have had him for his Admiral."²⁸³

Gundamor's diplomatic fame rests largely on two missions to England, the years being 1613 to 1618 and 1620 to 1622. The chief objective of his first mission was to persuade James to abandon his alliance with France and the Protestant countries on the Continent and to form an alliance with Catholic Spain. His manners and keen intellect, as well as his tantalizing offers

²⁸¹ Lovelace to Carleton, March 11, 1617. MS., State Paper Office.

²⁸² Gundamor, Diego Sarmiento de Acuña, Count (conde) de (1567–1626).

²⁸³ October 4, 1618. MS., State Paper Office.

of the Spanish Infanta (as James's daughter-in-law), gained him great influence with the English King; on occasion he could even dictate royal policy. His power over James, coupled with his pro-Catholic attitudes, but gained him the hostility of the English public. The dramatist Thomas Middleton made him the hero-villain (the Black Knight) of his play, *A Game at Chaess* (1625), which was suppressed.

At the height of Gundamor's unpopularity in 1622, he was recalled to Spain and there made a Member of the Council of State.²⁸⁴ He was definitely a man who became all things to all men, for political purposes, might have been represented with a looking-glass in his hand, as St. Paul is at Versailles.²⁸⁵ He spoke Latin with James; drank with the King of Denmark (his brother-in-law) and assured the Earl of Bristol, when he was Ambassador at Madrid, that he was an Englishman in his heart. Gundamor was also very gallant to the ladies, to whom he frequently made presents. There, perhaps, never was a man who had so much art as Gundamor, with so little appearance of it.²⁸⁶

But no consideration seemed capable of reconciling James to Raleigh. The history of his commission is curious. Two objects appear to have been aimed at throughout: First, to enable Raleigh to acquire, no matter how, a vast amount of treasure, of which James might take as much as he pleased, besides his fifth, as the price of a pardon. Second, to tread carefully, so no offence be given to the Spanish government.

On Raleigh's commission itself a great deal has been said; some maintaining that it was given under the board, others under the Private Seal; some that it was directed to Raleigh as "our loving and faithful subject;" others, that no such grant was ever put down on a document. It seems impossible to throw a satisfactory light on several of these points, though others are capable of being cleared up.

The copy of the commission found in the State Paper Office has been conjectured to be the very one which Raleigh carried with him to the New World. It is endorsed: "Sir Walter Raleigh's Commission going into the south quarters of America, 28th July, 1616," and written on a sheet of parchment signed James R.

²⁸⁴ *Encyclopædia Britannica*.

²⁸⁵ Under the figure are these words, equally adapted to the glass and the apostle: *I became all things to all men*.

²⁸⁶ Granger, *Biographical History of England*, (1779), Vol. II.

The author, Fancy, discovers the commission had been “carried in a man’s bosom, for it is rubbed, crumpled, and stained with perspiration.” Gundamor had immediately obtained a copy, and caused a translation of it to be made and forwarded to Madrid, where it is still preserved. Furthermore, it was critically examined and approved by Bacon, who, fearing James might either not read it at all, or if he did would not understand its true intent and meaning, after first writing at the end of the commission, goes on to write the following letter.

Letter to King James from Sir Francis Bacon
Upon Sir Walter Raleigh’s Commission going into the
South Quarters of America
July 28, 1616 ²⁸⁷

It may please your excellent Majesty.

This containeth your Majesty’s commission unto Sir Walter Raleigh, Knight, to travel and take with him into the south parts and other parts of America, possessed and inhabited by heathen and savage people, such persons as shall be willing to go and adventure themselves with him, with sufficient shipping, armour, horses, wares and merchandizes as shall be necessary for their journey, as well for the better increase of the trade of merchandise of this Kingdom, as by conversation and commerce to draw those savage and idolatrous people to the true knowledge of God. It maketh him also to be commander of those that go with him, and gives him power for the appointing of Captains and Officers for the better ordering and government of the company and the good of the voyage, and in case of rebellion or mutiny, upon just ground and apparent necessity to use martial law; which clause hath been used to be inserted in patents of like discovery and adventure. Your Majesty doth also herein promise in *verbo regio* that the said Sir W. and his company, with all adventurers with him, shall quietly enjoy all such goods as they shalt import, which is desired in respect of the peril of law wherein Sir Walter Raleigh standeth. Signified to be your Majesty’s pleasure by Mr. Secretary Winwood.

Bacon.

²⁸⁷ State Paper Office.

In Raleigh's examination before the Privy Council, Bacon, we are told, said: "Then, Sir Walter, you would have been a pirate; to which he replied, 'Did you ever know of anyone being a pirate for millions? I would have silenced all objections by a lavish distribution of treasure.'" ²⁸⁸ And with this I allow Raleigh's case to subside.

viii. James's correspondence

The prosecution of the Overbury murderers excited much discussion, and the strange conduct of James directed the suspicion of the public towards himself. The present letter here given is a very unaccountable letter to proceed from a Sovereign, if in no way concerned indirectly in the matter. ²⁸⁹

Letter from King James On Matters Connected with the Overbury Trials ²⁹⁰

I need not to answer your letter, since Lennox hath long before this time told you my resolution in that point; whereupon you have bestowed so much scribbling and railing, covertly against me and avowedly against the Chancellor. Yet can I not abstain partly for satisfaction of mine own heart, and partly for satisfying you and your ally with reason, if reason can satisfy you, to send you these few observations upon your letter in a business of this nature. I have nothing to look unto but, first, my conscience before God, and next, my reputation in the eyes of the whole world. If I can find one man stricter than another in point of examination, I am bound to employ him in it; and when in my conscience I have set down a course, to change it at the instance of the party without any other reason, but because they will have it, is very little for my honour. That I was too faint in not resisting the supreme judges' willfulness; I confess I ever was and will be faint in resisting to the trial of murder, and as bold and earnest in prosecuting the trial thereof.

²⁸⁸ Conversations with Wilson in the Tower, September 26, 1618. State Paper Office.

²⁸⁹ Halliwell James, *Letters of the Kings of England*, (1848), Vol. II.

²⁹⁰ Lambeth Palace MSS., No. 930, f. 91.

And as my proceedings from the beginning of this business have been only governed by the rule of my conscience, as the searcher of all hearts knows; so must I, to my great regret, confess and vow, that from the beginning of this business, both your father-in-law and you have ever and at all times behaved yourselves quite contrary to the form, that men that wish the trial of the verity ever did in such a case. And how far it is now out of time, after that the Chancellor hath served me more than thirteen years with all honour and faithfulness, having ever been a regalist, to rake up from the bottomless pit the tragedy of my poor mother, I appeal to your own judgment. Then, why should I be thus needlessly vexed this warrant stretches only to examination, wherein no innocent person can get wrong; and, since the Chancellor sees himself so suspected, is it to be thought that he dare utter any partiality? And if you will need suspect the worst (which is rather likely than possible) were it not a more handsome way for my reputation, that he might be privately advised to be silent, when how were there, except in yeas and noes? Or else, in regard of his age and infirmities, and his main businesses in the term time, to make his appearance but very seldom? And so forbear to give any opinion, as not acquainted with the course of the business. And as for the external show of my election of him in disfavour of you, first, I am sore the world should see you except against so grave a man; and next, the more severe choice I make of persons for examination, the more it is in your favour, if honour and trial of innocence be your end.

Now, as to your motion in putting all the judges in this warrant (if you mean for trial in law), I never meant it otherwise; but if you mean for examination, it is more than absurd. And, whereas you allege that great Councilors were never employed in the examination of a thing of this nature, I say the quite contrary is true, when as the circumstances or articles of the trial may reflect upon any great personages; in which cases the judges dare never presume to meddle without better assistance. To conclude, then, I never had the occasion to show the uprightness and sincerity that is required in a supreme judge, as I have in this, if the dilation prove false; God so deal with my soul as no man among you shall so much rejoice at it as I; nor never shall spare, I vow to God! One grain of vigour that can be stretched against the conspirators. If otherwise, as God forbid! None of you shall more heartily sorrow for it; and never King used that clemency that I will do in such a case. But, that I should suffer a murder (if it be so) to be suppressed and plastered over, to the destruction both of my soul and

reputation, I am no Christian. I never mean wittingly and willingly to bear any man's sins but my own; and if for serving my conscience in setting down a fair course of trial, I shall lose the hands of that family, I will never care to lose the hearts of any for justice sake.

Fail not to show this letter to your father-in-law, and that both of you read it twice over at least; and God so favour me as I have no respect in this turn but to please Him, in whose throne I sit. And so farewell; praying the author of all verity, to make the clean verity to be plainly manifested in this case.

James R.

During the writing of the next letters that follow, Somerset was already prisoner in the Tower on suspicion of having been concerned in the murder of Overbury. Sir George More was Lieutenant of that fortress. It has been conjectured by several writers, that the anxiety expressed by James in the letter, and the artifices employed by him to draw Somerset to a confession, arose from his knowledge, that the latter was in the possession of some terrible secret of the highest importance to James. If among these secrets was included the true instigator of Prince Henry's poisoning, we shall never know.

King James to Sir George More
On Matters Connected with the Overbury Trials
May 1616 ²⁹¹

Good Sir George: I am extremely sorry that your unfortunate prisoner [Somerset] turns all the great care I have of him not only against himself, but against me also, as far as he can. I cannot blame you that ye cannot conjecture what this may be, for God knows it is only a trick of his idle brain, hoping thereby to shift his trial; but it is easy to be seen that he would threaten me with laying an aspersion upon me of being in some sort accessory to his crime. I can do [no] more (since God so obstructs his grace from him) than repeat the substance of that letter which the Lord Hay [James's previous favourite] sent you yesternight, which is this: If he would

²⁹¹ *Archaeologia*, Vol. XVIII.

write or send me any message concerning this poisoning, it need not be private, if it be of any other business. That which I cannot now with honour receive privately, I may do it after his trial or confession proceed. I cannot hear a private message from him, without laying an aspersion upon myself of being an accessory to his crime; and I pray you to urge him, by reason that I refuse him no favour, which I can grant him without taking upon me the suspicion of being guilty of that crime whereof he is accused; and so farewell.

James R.

King James to Sir George More
On Matters Connected with the Overbury Trials
May 1616 ²⁹²

Good Sir George: As the only confidence I hold in your honesty made me, without the knowledge of any, put you in that place of trust, which ye now possess, so must I now use your trust and secrecy in a thing greatly concerning my honour and service. Ye know Somerset's day of trial is at hand, and ye know also what fair means I have used to move him, by confessing the truth, to honour God and me, and leave some place for my mercy to work upon. I have now, at last, sent the bearer hereof, an honest gentleman, and who once followed him with such directions unto him, as if there be a spunk [a spark of fire] of grace left in him, I hope they shall work a good effect. My only desire is, that ye would make his convoy unto him in such secrecy as none living may know of it, and that after his speaking with him in private, he may be returned back again as secretly. So reposing myself upon your faithful and secret handling of this business, I bid you heartily farewell.

James R.

²⁹² *Archaeologia*, Vol. XVIII.

King James to Sir George More
On Matters Connected with the Overbury Trials
May 13, 1616²⁹³

Good Sir George:

Although I fear that the last message I sent to your unfortunate prisoner [Somerset] shall not take the effect I wish it should, yet I cannot leave off to use all means possible to move him to do that, which is both most honourable for me and his own rest. Ye shall therefore give him assurance in my name, that if he will yet before his trial confess clearly unto the Commissioners his guiltiness [of the] fact, I will not only perform what I promised by my last messenger, both towards him and his wife, but I will enlarge it, according to the phrase of the Civil law, *quod gratiæ sunt ampliandæ*. I mean not that he shall confess if he be innocent, but ye know how evil likely [unlikely] that is; and of yourself ye may dispute with him, what should mean his confidence now to endure a trial, when as he remembers that this last winter he confessed to the Chief Justice [Coke] that his cause was so evil likely, as he knew no jury could acquit him. Assure him that I protest, upon my honour, my end in this is for his and his wife's good.

Ye will do well likewise, of yourself, to cast out unto him, that ye fear his wife shall plead weakly for his innocence, and that ye find the Commissioners have, ye know not how, some secret assurance, that in the end she will confess of [against] him; but this must only be as from yourself, and therefore ye must not let him know that I have written unto you, but only that I sent you private word to deliver him this message. Let none living know of this, and if it take good effect, move him to send in haste for the Commissioners, to give them satisfaction; but if he remains obstinate, I desire not that ye should trouble me with an answer; for it is to no end, and no news is better than evil news.

And so farewell and God bless your labours.

James R.

²⁹³ *Archaeologia*, Vol. XVIII.

King James to Sir George More
On Matters Connected with the Overbury Trials ²⁹⁴

Good Sir George.

For answer to your strange news I am first to tell you, that I expect the Lord Hay and Sir Robert Carr have been with you before this time; which, if they have not yet been, do ye send for them in haste, that they may first hear him, before ye say anything unto him; and when that is done, if he shall still refuse to go, ye must do your office, except he be either apparently sick, or distracted of his wits; in any of which cases you may acquaint the Chancellor with it, that he may adjourn the day till Monday next, between this and which time, if his sickness or madness be counterfeited, it will manifestly appear. In the meantime, I doubt not but ye have acquainted the Chancellor with this strange tit of his; and if, upon these occasions, ye bring him a little later than the hour appointed, the Chancellor may in the meantime protract the time the best he may; whom I pray you to acquaint likewise with this my answer, as well as with the accident, if he has said anything of moment to the Lord Hay. I expect to hear of it with all speed; if otherwise, let me not be troubled with it till the trial be past. Farewell.

James R.

I have before alluded to the supposition that James was afraid of some disclosure and it may be as well to give from Welldon's *Memoirs* the principal evidence on which my suspicions are founded: "And now, for the last act, enters Somerset himself on the stage, who (being told, as the manner is, by the Lieutenant, that he must provide to go next day to his trial) did absolutely refuse it, and said they should carry him in his bed; that the King had assured him he should not come to any trial, neither durst [dare] the King bring him to trial." There does not seem to be much in these words, but those which the Lieutenant heard produced so much effect, that it seems likely he heard more than he has repeated. Welldon continues: "This was in a high strain, arid in a language not well understood by Sir George More, Lieutenant in Elwaies's room, that made More quiver and shake; and however he was accounted a wise man,

²⁹⁴ *Archaeologia*, Vol. XVIII.

yet he was never at his wits end.” What was heard was sufficient enough to induce More to go to Greenwich, with intent to disturb the King at midnight, at no reasonable hour at that period, and he is observed by one of the grooms “bouncing at the back stairs as if mad.” He was admitted, and gave his information; the King is bewildered: “On my soul. More, I wot not what to do. Thou art a wise man, help me in this great strait, and thou shalt find thou dost it for a thankful master.” This the King said, “with other sad expressions” Welldon concludes.

ix. Conclusion

The whole history of the Overbury case forms a serious piece of sad Court scandal,²⁹⁵ if anything. From some gossip correspondence, we are told that Somerset was eventually pardoned. “The Earl of Somerset’s pardon was sealed on Thursday, in as ample a manner as could be devised and he hath taken a house at Chiswick, but with promise not to look toward the Court.”²⁹⁶ When the Overbury trial was ongoing, the King went from Whitehall to Theobald and then to Royston. Having sent for all the judges, he kneeled down in the midst of his Lords and servants, and used these words to the judges: “My Lords, I charge you, as you will answer it at that great and dreadful day of judgment, that you examine it [the poisoning of Overbury] strictly without favour, affection, or partiality; and if you spare any guilty of this crime, God’s curse light upon you and your posterity; and if I spare any that are found guilty, God’s curse light on me and my posterity forever.”²⁹⁷

And yet, the murderers of Overbury were pardoned by King James himself, after they were found guilty. Whatever the cause of Overbury’s death, one point is clear: James was very rash and inconsiderate, and guilty of a great fault in calling down the judgments of heaven on himself and his family, and in Bacon’s opinion, “these are the great Atheists, who must be needs cauterized in the end.”²⁹⁸

²⁹⁵ Halliwell O. James, *Letters of the Kings of England*, (1848), Vol. II.

²⁹⁶ Thomas Birch, *The Court and Times of James the First*, (1848), Vol. II: Correspondence between John Chamberlain and Dudley Carleton, October 9, 1624.

²⁹⁷ Welldon, *Memoirs*, p. 93.

²⁹⁸ (a) William Harris, *An Historical and Critical Account*, (1753); (b) Bacon’s *Essay Of Atheism*.

APPENDIX A. GENERAL VIEW OF POISONS

i. Roots of poison

The root “tox” of the modern word toxicology can be traced back to a very ancient word meaning “bow” or “arrow,” or, in its broadest sense, some tool used for slaying: Hence, it is not such a far-fetched belief that the first knowledge of poison we have, was that of the septic poisons, which the savages found a way to employ: Weapons soiled with the blood of former victims made wounds fatal; from this observation the next step would be that of experiment, the arrow or spear would be steeped in all manner of pastes, and smeared with the vegetable juices of those plants which were deemed noxious; as the effects were unknown, they would be ascribed to the supernatural powers, and covered with a veil of superstition.

Tribes of Indians in South America used curare, which they extracted from a certain species of strychnos or strychnine, and other plants that were first brought to England by Sir Walter Raleigh in 1595. Although a deadly poison when introduced into a wound or injected under the skin, curare proved harmless when digested. Humbolt states how “the Indians used to lick it off their fingers and use it as a stomachic tonic.”

ii. The deities

The earliest deity associated with poisons was Gula, whose name was revered by the Sumerians about 4500 B.C. She was known as the Mistress of Charms and Spells, the terrible goddess, and controller of noxious poisons. She was the deified form of the sorceress. Medical schools at Borsippa and Sirpurra were under her protection. She is described on a cuneiform tablet, said to have been written about 1400 B.C., as “Gula, the woman, the mighty one, the Prince of all women. His seed with a poison not curable without issue; in his body may she place all the days of his life, blood and pus like water may he pour forth.” Ages ago, a mysterious country in the far North was supposed to be ruled and dominated by sorcerers and kindred beings, all of whom were said to be children of the Sun. Here dwelt Æëtes, Perses, Hecate, Medea and Circe.

To Hecate is ascribed the foundation of sorcery and the discovery of poisonous plants. Her knowledge of magic and spells was supposed to be unequalled. She transmitted her power to Medea, whose wonderful exploits are described in early Greek mythology, and who by her magic arts subdued the dragon that guarded the Golden Fleece and assisted Jason to perform his famous deeds. Hecate's garden is described by the poets as being enclosed in lofty walls with thrice-folding doors of ebony, which were guarded by terrible forms, and only those who bore the leavened rod of expiation and the concealed conciliatory offering could enter. Towering above was the temple of the dread sorceress, where the ghastly sacrifices were offered and all kinds of horrible spells at work. According to tradition, after Medea's adventures with Jason, she returned with him to Thessaly, and on their arrival they found Æson (father of Jason) and Pelias (his uncle) who had usurped the throne, both old and decrepit. Medea was requested to exert her magical powers to make the old man young again, an operation which she is said to have speedily performed by infusing the juice of certain potent plants into his veins, and foreshadowing a recent operation for rejuvenating the old by means of injecting the solution of a certain gland.

iii. Evolution of science

These mythological stories tend to show that some knowledge of poisonous substances existed at a very remote period. The oldest Egyptian King Menes and Attalus Phylometer, who was the last King of Pergamus, were both famous for their knowledge of plants. Attalus was acquainted with hyoscyamus, aconite, conium, veratrum, and other plants; he experimented on the preparation of poisons, and occupied himself in compounding medicines. Mithridates Eupator stood yet higher: The receipt or components for the famous theriaca, prepared in later years at an enormous price, and composed of fifty-four different ingredients, is ascribed to him. And we have the wonderful skill shown by the Egyptians in embalming and technical works, which is sufficient to render it fairly certain that their chemical knowledge was considerable; the frequent operations of one caste upon the dead must have laid the foundations of a pathological and anatomical culture, of which only traces remain.

From an early period, science has been gradually built up by experimental methods and even the ancients were cognizant of the fact that the remedial properties of a substance could only be proved by actual experiment: An act very well known to Sir Francis Bacon, for he was never seen outside an experiment of his own creation. Not only animals but also human beings were utilized for this purpose by many famous physicians in the Middle Ages. Criminals who had been condemned to death were generally selected when available.

It is stated by Pierre Fabre, in his work, entitled: *History of the Apostles*, that the Apostle John was present at the execution of two criminals by poison in the public forum at Ephesus. Vivisection of the live human subject was practiced by the Alexandrian school in the time of the Ptolemies; and Erasistratos, together with Herophilos, pupils of Chrysippos of Cnidos, are said to have experimented upon six hundred condemned criminals handed over to them by Ptolemy Soter. On opening the abdomens of some of these men, they were able to study the movements of the colon and those of the muscle of the diaphragm on the inspiration of air; when the ribcage was extracted, the cardiac movements were studied. Their conduct, however, met with the reprobation of their contemporaries. Celsus and Galen reproached Herophilos with cruel and useless sacrifices and of inhuman feeling, while Tertullian called him roundly an executioner who gave lingering death with refined cruelty. Such experimental atrocities were done during World War II in various concentration camps. It is not surprising how Grey's Anatomy, a mass bulk of anatomical volumes, was created from such experiments.

The Court physicians of Attalus, King of Pergamus, and Mithridates, King of Pontus, were authorized in virtue of their office to try poisons upon criminals, and were accused by their jealous colleagues of pluming themselves upon their privileges, while less favoured practitioners were compelled to be content to experiment upon cocks and dogs. The use of poison by the Greeks, as a means of capital punishment, without doubt favoured suicide by the same means; the easy, painless death of the State prisoner would be often preferred to the sword by one tired of life. The ancients looked indeed upon suicide, in certain instances, as something noble, and it was occasionally formally sanctioned. Thus, Valerius Maximus tells us that he saw a woman, on the island of Ceos (Xίος) who, having lived happily for ninety years, obtained leave to take a poisonous draught, lest, by living longer, she should happen to have a

change in her good fortune; and, curiously enough, this sanctioning of self-destruction seems to have been copied in Europe.

iv. Ancient knowledge of poisons

Mead relates that the people of Marseilles had a poison kept by the public authorities, in which cicuta was an ingredient: A dose was allowed to anyone who could show why he should desire death. Whatever use or abuse might be made of a few violent poisons, Greek and Roman knowledge of poisons, their effects and methods of detection, was stationary, primitive, and incomplete. Nicander of Colophon (204–138 B.C.) wrote two treatises, the most ancient works on this subject extant, the one describing the effects of snake venom; the other, the properties of opium, henbane, certain fungi, colchicum, aconite, and conium. He divided poisons into those which kill quickly, and those which act slowly. As antidotes, those medicines are recommended which excite vomiting; being lukewarm oil, warm water, mallow, and linseed tea. Apollodorus lived at the commencement of the third century B.C. He wrote a work on poisonous animals, and one on deleterious medicines; these works were the sources from which Pliny, Heraclitus, and several of the later writers derived most of their knowledge of poisons. Dioseorides (A.D. 40–90.) well detailed the effects of cantharides, sulphate of copper, mercury, lead, and arsenic. By arsenic it would appear sometimes to mean the sulphides, sometimes the white oxide. Dioseorides divided poisons, according to their origin, into three classes: (a) animal poisons (b) poisons from plants and (c) mineral poisons. It is to our infamous Dr Mayerne, King James's Court physician, that we owe the popularity of calomel, another product of mercury, for medicinal purposes.

v. Royal poisoners

The part that poison has played in history is considerable. The pharmaceutical knowledge of the ancients is more graphically and terribly shown in the deaths of Socrates, Demosthenes, Hannibal and Cleopatra, than in the pages of the older writers on poisons. Reginald Scot, who wrote *The Discovery of Witchcraft* in 1584, quaintly states his belief that women were the first

inventors and the greatest practices of poisoning and more materially addicted and given into poisons than men. Throughout the history of criminal poisoning there have always been a high percentage of women implicated and numerous cases could be cited of females with whom the use of poison for criminal purposes amounted to an obsession. With these types, not infrequently met with, there is no suggestion of a motive, the object being apparently to destroy life without any apparent reason.

When the Duke of Burgundy desired to raise a report that John Dauphin of France was poisoned in 1457, he described the imaginary event as follows: "One evening, our most redoubtable Lord and nephew, fell so grievously sick that he died forthwith. His lips, tongue, and face were swollen; his eyes started out of his head. It was a horrible sight to see; for so look people that are poisoned."

Arsenic, being the favourite powder of the professional poisoner, was known to have crowned heads in the fourteenth century, and there has come down to us a curious document, drawn out by Charles le Mauvais, King of Navarre. It is a commission of murder, given to a certain Woudreton to poison Charles VI, the Duke of Valois (brother of the King) and his uncles, the Dukes of Berry, Burgundy, and Bourbon. The document states: "Go thou to Paris; thou canst do great service if thou wilt: Do what I tell thee; I will reward thee well. Thou shalt do thus: There is a thing which is called sublimed arsenic; if a man eat a bit the size of a pea he will never survive. Thou wilt find it in Pampeluna, Bordeaux, Bayonne, and in all the good towns through which thou wilt pass at the apothecaries' shops. Take it and powder it; and when thou shalt be in the house of the King, of the Count de Valois, his brother, the Dukes of Berry, Burgundy, and Bourbon, draw near, and betake thyself to the kitchen, to the larder, to the cellar, or any other place where thy point can be best gained, and put the powder in the soups, meats, or wines, provided that thou canst do it secretly. Otherwise, do it not." Woudreton was detected, and executed in 1384.²⁹⁹

King Charles IX even figures as an experimentalist. An unfortunate cook had stolen two silver spoons, and, since there was a question whether Bezoar was an antidote or not, the King

²⁹⁹ Charles de Navarre. P. Mortonval, Vol. II., P. 384.

administers to the cook a lethal dose of corrosive sublimate, and follows it up with the antidote; but the man dies in seven hours, although Paré gives him oil.

The subtle method of removing troublesome subjects has been more often practiced on the Continent than in England, yet the English throne in past times is not quite free from this stain. King John is believed to have poisoned Maud Fitzwalter by a poisoned egg, though the use of poison is wholly opposed to the Anglo-Saxon method of thought. To what anger the people were wrought on detecting poisoners is seen in the fact that, in 1542, a young woman was boiled alive in Smithfield for poisoning three households. “This year, the 17th of March, was boiled in Smithfield one Margaret Davie, a maiden, which had poisoned three households that she dwelled in. One being her mistress, who died of the same, and one Darington and his wife, which she also dwelled with in Coleman Street, which died of the same, and also one Tinleys, which died also of the same.”³⁰⁰

Two great criminal schools arose from the fifteenth to the seventeenth centuries in Venice and Italy. The Venetian poisoners are of earlier date than the Italian, and flourished chiefly in the fifteenth century. Here we have the strange spectacle, not of the depravity of individuals, but of the government of the State formally recognizing secret assassination by poison, and proposals to remove this or that Prince, Duke, or Emperor, as a routine part of their deliberations. Still more curious and unique, the dark communing of The Council of Ten were recorded in writing, and the number of those who voted for and who voted against the proposed crime, the reason for the assassination, and the sum to be paid, still exist in shameless black and white. Those who desire to study this branch of secret history may be referred to a small work by Carl Hoff, which gives a brief account of what is known of the proceedings of that Council. One example will here suffice.

On December 15, 1513, a Franciscan brother (John of Ragubo) offered a selection of poisons, and declared he was ready to remove any objectionable person out of the way. For the first successful case he required a pension of 1,500 ducats yearly, which was to be increased on the execution of future services. The presidents, Girolando Dnoda and Pietro Guiarina, placed the matter before The Council of Ten on January 4, 1514, and on a division (ten against five) it

³⁰⁰ Wriothesley's *Chronicle*, (1542).

was resolved to accept the offer, and to experiment first on the Emperor Maximilian. The bond that lay before the Council contained a regular tariff: For the great Sultan 500 ducats; for the King of Spain 150 ducats, but the journey and other expenses were in each case to be defrayed; the Duke of Milan was rated at 60; the Marquis of Mantua at 50; the Pope could be removed at 100 ducats. The curious offer concludes: "The farther the journey, the more eminent the man, the more it is necessary to reward the toil and hardships undertaken, and the heavier must be the payment." The Council of Ten appear to have quietly arranged in this way to take away the lives of many public men, but their efforts were only in a few cases successful; when the deed was done, it was registered by a single marginal note, with one single word: *factum*.

Whatever drugs the Venetian poisoners used is uncertain. The Italians became notorious in the sixteenth and seventeenth centuries for their knowledge of poisons, partly from the deeds of Toffana and others, and partly from the works of J. Baptista Porta³⁰¹ who wrote a very comprehensive treatise under the title of *Natural Magic* that was published in 1589, and managed to slide into the text, in the sections on cooking, a mass of knowledge as to the preparation of poisons.³⁰² There are prescriptions that little accord with the title, unless indeed the trades of cook and poisoner were the same. Porta gives a method of drugging wine with belladonna root, for the purpose of making the guest loathe drink; he also gives a list of solanaceous plants, and makes special mention of nux-vomica, aconite, veratrum, and mezereon. Again, in the section *De Ancupio*, Porta gives a recipe for a very strong poison which he calls *venenum lupinum*; it is to be made of the powdered leaves of aconitum lycoctonum, *Taxus baccata*, powdered glass, caustic lime, sulphide of arsenic, and bitter almonds, and the whole to be mixed with honey, and made into pills the size of a hazel-nut.³⁰³

The numerous attempts of the Italian and Venetian poisoners on the lives of Monarchs and eminent persons cast for a long time a cloud over regal domestic peace. Bullets and daggers were not feared, but in their place the dish of meat, the savoury pastry, and the red wine were regarded as possible carriers of death. No better example of this can be found than at so late a period as the reign of Henry VIII where the extraordinary precaution thought necessary for

³⁰¹ (b.1537–d.1615)

³⁰² *De Re Coquinaria*, Lib. XIV.

³⁰³ Lib. XV.

preserving the infant Prince of Wales. Henry VIII at one time of his life was (or pretended to be) apprehensive of being poisoned; it was indeed a common belief of his Court that Anne Boleyn attempted to dose him. “The King, in an interview with the young Prince Henry, burst into tears, saying that he and his sister (meaning the Princess Mary) might thank God for having escaped from the hands of that accursed and venomous harlot, who had intended to poison them.”³⁰⁴

vi. The great poisoners



Figure 27:
Madame de Brinvilliers

The iniquitous lady called Toffana (or Tophana) made solutions of arsenious acid of varying strength, and sold these solutions in phials under the name of “Acquetta di Napoli” for many years. She is supposed to have poisoned more than six hundred people. The composition of the Naples water was for a long time a profound secret, but it is said to have been known by the reigning Pope and by the Emperor Charles VI. The latter told the secret to Garelli, his physician, who sold the knowledge to Hoffman.

Toffana was brought to justice in 1709, but availing herself of the immunity afforded by convents, escaped punishment and continued to sell her recipes for twenty years afterwards. When Kepfer was in Italy he found her in a prison at Naples.³⁰⁵

Of another notorious poisoner that can be mentioned, is Marguerite D’Aubray (Marquise de Brinvilliers) who poisoned her father, her brothers, and other members of her family; she is also said to have experimented on patients at the Hotel Dieu, in order to test the strength of the powders prepared for her by Saint-Croix. These powders were afterwards called “Les poudres de succession,” from a joking remark made by Brinvilliers in her cups.

³⁰⁴ Hamilton. *A Chronicle of England during the Reign of the Tudors*, Introduction, P. XXI.

³⁰⁵ Kepfer’s *Travels*, (1758).

Saint-Croix robbed the executioner by dying a natural death, and Brinvilliers, after a sensational trial, at the end of which “the first president wept bitterly and all the judges shed tears,” was sentenced to torture and death. She was imprisoned in the Conciergerie where she was tortured. Victor Hugo, describing the rack in that prison, wrote: “The Marchioness de Brinvilliers was stretched upon the rack stark naked, fastened down, so to speak, quartered by four chains attached to the four limbs, and there suffered the frightful extraordinary torture by water, which caused her to ask, ‘How are you going to contrive to put that great barrel of water in this little body?’”³⁰⁶ The water torture mentioned by Hugo, was a huge funnel-like vessel fitted on to the neck, the edge of the funnel coming up to the eyes; on the pouring of water into the funnel, the fluid rose above the nose and mouth, and the victim would be bound to swallow the fluid or die of suffocation; if indeed the sufferer resolved to be choked, in the first few moments of unconsciousness the fluid was swallowed automatically, and air again admitted to the lungs; it is therefore obvious that in this way quantities of fluid might be taken.

Judging from the earliest laws on record, criminal poisoning does not appear to have been common amongst the ancient Egyptians or Hebrews. The first recorded instance of a judicial trial for poisoning at Rome is stated by Livy to have been in the year 329 B.C. In the time of Justinian (A.D. 483–565) the aid of the physician was called in especially during the investigation of a crime. According to the institutes or laws of that period, those who by odious arts, whether by poison or by “magical whispers” being incantations, took away the life of another, were punished with death. A contract for the sale of a poison was also held to be void on the analogy of the contracts of partnership and agency which have no power to deal with improper matters. It seems appropriate that the first law to regulate the sale of poisons should have been enacted in Italy. In ancient times there is little doubt that many people died from the effects of poison without suspicion, although on the other hand many more succumbed to the sudden effects of latent and unrecognized diseases, such as aneurism, peritonitis and others of which practically nothing was known, and whose deaths were wrongfully attributed to poison.

Before the period of judicial postmortem examination, the practice was to expose the bodies for inspection, as done in Prince Henry’s death, to those who were believed to be able

³⁰⁶ *Things seen by Victor Hugo*, Vol. I.

to form a sufficiently accurate judgment for themselves as to the cause of death. It was believed that poisonous substances had a peculiar action on the heart and were capable of altering its substance in such a manner that it resisted the action of a funeral pyre and remained unconsumed. When the heart resisted the pyre it was regarded as unmistakable evidence that the person had perished by poison. If in addition the body from any cause rapidly decomposed, such a sign was at once believed to be conclusive of death from poison. This belief prevailed to a greater or lesser extent down to the middle of the seventeenth century.

vii. Theriaca of Venice

About the year A.D. 50 the Theriaca of Democrates became famous. This was similar to the compound of Andromachus, the formula for which Democrates, a Greek physician then living in Rome, translated into verse. Other formulae were originated by Nicolaus of Salerno, each of whom added something to the original formula of this poison antidote. These preparations may be said to have reached their zenith in the sixteenth century when Pietro Andrea Matthioli, the commentator of *Dioscorides*, published another formula which contained no less than two hundred and fifty separate substances, including dried vipers, pearls, red coral and emeralds. This formula in a modified form was included in the *London Pharmacopoeia* in 1618 and remained an official remedy until 1746. Several cities became celebrated for the manufacturing of Theriaca of Democrates, including Cairo, Florence, Genoa, Bologna and Venice. The “Theriaca of Venice” as it was called (or treacle as we know it today) contained sixty-one ingredients, and had a reputation throughout Europe that was included in the *London Pharmacopoeia* down to 1746. In Bologna the mixing of the Theriaca was carried out with great ceremony in the courtyard of the ancient Archigimnasio (stadium) in the presence of the chief officials of the city. The ingredients were mixed under the supervision of the medical professors of the University to ensure it was faithfully and properly compounded. From the fourteenth to the seventeenth century it was regarded as a remedy for the plague and was used in great quantities. Evelyn, in his *Diary*, alludes to the “Theriaca of Venice” and how he witnessed its preparation: “Having packed up my purchases of books,

pictures, casts, treacle, etc. (the making and extraordinary ceremony whereof I had been curious to observe, for it is extremely pompous and worth seeing) I departed from Venice.”³⁰⁷

The great consumption of this medicament in the sixteenth century is evidenced by Morgan, apothecary to Queen Elizabeth, who in a pamphlet insists that a product he had made had been compared with other Teriacle (treacle) brought from Constantinople and Venice and had been commended. “It is very lamentable to consider that strangers do daily send into England a false and naughty kind of Mithridatium and Teriacle in great barrels more than a thousand weight in a year, and utter the same at a low price for 3*d.* and 4*d.* a pound, to the great hurt of her Majesty’s subjects and no small gain to strangers’ purses.”

In 1612, it is recorded that the Master and Wardens of the Grocers Company of London marked how “a filthy and unwholesome baggage composition was being brought into this Realm as Treacle of Genoa, made only of the rotten garble and refuse outcast of all kinds of spices and drugs, hand overhead with a little filthy molasses and tar to work it up withal.” This was communicated to the College of Physicians, and they set about not only to devise their own formula, but to superintend its manufacture, which was then entrusted to William Besse, an apothecary in the Poultry. Besse was made to take a corporal oath before the Lord Mayor of London, and every year when he made the confection had to show the ingredients and product to the College of Physicians. His treacle was sold at not above 2*s.* 8*d.* per lb. or 2*d.* per ounce.

In the sixteenth century, there are a few works, such for example as Porta’s which partook of the general advancement of science, and left behind the stereotyped doctrine of the old classical schools. It was not considered proper to write upon poisons. Jerome Carden declared a poisoner worse than a brigand: “And that is why I have refused not only to teach or experiment on such things, but even to know them.”³⁰⁸

Prosper Alpinus, the physician of Padua, who travelled in Egypt in 1591, refers to the manufacture of “Theriaca” in Cairo and states that it was only allowed to be made in public, and that the ceremony was performed once a year in the Mosque of Morestan by the chief apothecary of the city in the presence of all the physicians. He also states that at that time

³⁰⁷ March 23, 1646.

³⁰⁸ J. Carden, *De Subtilitate*. Basel, 1558.

Italians, Germans, Poles, Flemings, Englishmen and Frenchmen came to Cairo to purchase this “Theriaca” in abundance.

viii. Art of secret poisoning

On the art of secret poisoning, as having been once an important object of medical jurisprudence, it might be expected that some comments should be offered. Noone now seriously believes that Henry VI was killed by a pair of poisoned gloves, or Pope Clement the Seventh by a poisoned torch carried before him in a procession, or Hercules by a poisoned robe, or that the operation of poisons can be so predetermined as to commence or prove fatal on a fixed day, and after the lapse of a definite and remote interval.

With regard to the noted instances of secret poisoning, which occurred towards the close of the seventeenth century in Italy and France, it is plain to every modern toxicologist, from the only certain knowledge handed down to us of these events, that the actors in them owed their success rather to the ignorance of the age, than to their own dexterity. And as to the refined secrets believed to have been possessed by them, it is sufficient here to say, that although we are now acquainted with ten times as many and ten times as subtle poisons as were known in those days, yet none exist which are endowed with the hidden qualities once so universally dreaded. The use of medicament in England goes back to a much earlier period. It was recommended to Alfred the Great by Helia, the Patriarch of Jerusalem, according to an Anglo-Saxon manuscript of the eleventh century. It is again mentioned by Foucher de Chartres in 1124, who states it was used in the first Crusade. It is also recorded in a Close Roll of King John in 1208.

ix. Famous antidotes

Among some famous antidotes of the times was the toadstone. It has from early times been reputed to possess the property of counteracting the effect of poisons. These stones were believed to be found in the heads of old toads which, when caught, were placed on a red cloth and the stone recovered through the mouth. Pomet, who wrote in the seventeenth century,

threw doubt on this source of origin: “Toadstones are found in the mountains or plains, although I would not dispute that they might have been bred in the heads of old toads. I describe two kinds, the round and the long: The former being of a deep grey inclining to blue; the long being redder grey with reddish spots. It is false that they change colour and sweat when they approach the cup wherein there is poison.”

Lemery, a French writer of the same period, in describing these stones states that when applied to the sting or bite of venomous beasts, they draw out the poison. They were usually set and worn as rings and regarded as of great value. They were generally mounted so that the back of the stone could touch the skin, and were said to notify the presence of poison by producing a sensation of heat in the finger at the point of contact. A Toadstone ring is described by Jones, which he attributes to the fossil palatal tooth of a species of ray that was believed to have been a specific in cases of kidney disease when immersed in water and drunk by the patient.

In the inventory of the Due de Berry, mention is made of a Toadstone in a ring of gold, and similar rings are alluded to in the records of the Duke of Burgundy. Fenton, writing in 1569, had noted how “Toadstones being used in rings, give forewarning of venom.” And in Ben Jonson’s *Fox* they are referred to as: “Were you enamoured on his copper rings, his saffron jewel, with the toadstone in’t?”

Lupton, in his *Thousand Notable Things*, goes as far as to give a method of obtaining the stone from the toad: “Put a great or overgrown toad (first bruised in divers places) into an earthen pot; put the same into an ants’ hillock, and cover the same with earth, which toad at length the ants will eat, so that the bones of the toad and stone will be left in the pot.” Another writer, however, states that the stone should be obtained while the toad is living and this may be done by simply placing him upon a piece of scarlet cloth. “Wherewithal they are much delighted, so that, while they stretch out themselves as it were in sport upon that cloth, they cast out the stone of their head, but instantly they sup it up again, unless it be taken from them through some secret hole in the same cloth.”

Of another antidote was the horn of the unicorn, as it was named, which was in reality the tusk of the narwhal. It has been associated with mysterious properties since the time of Aristotle, Pliny and other ancient writers. Ctesias, about 390 B.C., was the first to record the

wonderful properties attributed to it. "Drinking vessels were made of the horn and those who used them were protected against poisons, convulsions and epilepsy, provided that, just before or just after taking poison, they drank wine or water from the cup made from it." Other writers declared that poisoned wounds could be cured by merely holding the horn close to the wound.

These horns were considered of great value and in the Middle Ages are said to have been worth about ten times the price of gold. In 1553, a horn was brought to the King of France which was valued at £20,000 and one presented to Charles I, supposed to be the largest then known, measured seven feet long and weighed 13*lb*. Edward IV gave to the Duke of Burgundy a gold cup set with jewels, with a piece of horn worked into the metal; and one large horn in the possession of the city of Dresden was valued at 75,000 thalers.

A piece of horn was occasionally sawn off to be used for medicinal purposes, and it was a city regulation that two persons of princely rank should be present whenever this operation was performed. In the sixteenth century these horns were so rare, that Racq, a physician of Florence, recorded that a German merchant sold one of them to the Pope for 4,000 livres. Ambroise Paré, surgeon to Charles IX of France, wrote a treatise on the horn and its remedial properties, and Thomas Bartholinus published a work, entitled: *Observations on the Unicorn Horn* that was published in 1678. The work dealt with its medical uses only.

Although the horn was considered of such great value, it was also utilized for making goblets mounted in gold, and walking sticks, to which were ascribed remarkable virtues, the greatest of which, according to writers on natural history of the time, was its resistance to all manner of poisons.

x. Crime by poison

Of the crime of poisoning, from its nature, must always be a secret one. But little apprehension need be entertained of the art of secret poisoning as understood by Toffana or Brinvilliers that we met earlier. It seems to have escaped the attention of those who have written on the subject, that the practice of such an art requires the knowledge not only of a dexterous toxicologist, but also of a skilful physician; for success must depend on the exact imitation of some natural disease. It is only among medical men, therefore, and among the

higher orders of them, that a man like Saint-Croix can arise now-a-days. How little is to be dreaded on that head is apparent from the domestic history of the European Kingdoms for the latter part of the eighteenth century, compared with their history some centuries ago.

Probably the earliest recorded case of poisoning in England is that of Sir Walter de Scotiney, who was convicted of poisoning the Abbot of Westminster and William, brother of the Earl of Gloucester. According to Leland's account, this happened during the meeting of a parliament session which had been convened at Winchester by Henry III about 1230.

And we may add whether Robert Dudley (Earl of Leicester) who was Prime Minister and favourite to Queen Elizabeth, was as black as he is painted by some of the historians of his time. His ambition to marry his royal mistress, who, shrewd woman as she was, appears to have had no insight into his unscrupulous character, and was apparently the cause of his attempting to move every human obstacle from his path by any method. The death of Amy Robsart, a mystery which has never been completely solved, is attributed to Leicester's machinations. He was also suspected of causing the death of Lord Sheffield, and the Earl of Essex, and some other rival, is stated to have been also the victim of his hatred. The death of the latter Peer is said, in the language of a contemporary chronicler, as having been "an extreme flux caused by an Italian Receipt, [prescription,] the maker whereof was a surgeon that was then newly come to my Lord from Italy, cunning man and sure in operation." The inventor of this recipe was known as Dr Julio, who was said to be able "to make a man die in what manner of sickness you will." Essex died when on his way back to England from Ireland, with the object, it is said, of revenging himself on Leicester for his domestic wrongs. "With the Earl of Essex, one Alice Drakott, a godly gentlewoman, is also said to have been poisoned." This lady happened to be accompanying the Earl on her way towards her own house, when after drinking from the same cup, she was also seized with violent pain and vomiting, which continued until she died a day or two before the Earl died. "When she was dead, her body was swollen into a monstrous bigness and deformity; whereof the good Earl, hearing the day following, lamented the case greatly, and said in the presence of his servants, 'Ah! Poor Alice, the cup was not prepared for thee, albeit it was thy hard fortune to taste thereof.'"

According to all accounts, Leicester's list of victims did not cease here, and, rightly or wrongly, the death of Cardinal Chatillian, who was taken suddenly ill and died in Canterbury,

was also attributed to Leicester. The Cardinal had accused Leicester of preventing the marriage of the Queen to the King of France, and was journeying back to Dover when he was taken ill and died in a mysterious manner.

Another mysterious death at this time that occasioned considerable sensation was that of Sir Nicholas Throgmorton, a wealthy city magnate of Elizabeth's time, whose name is still perpetuated in the city. Throgmorton is said to have been an associate of Leicester's and the one who was ready to do his bidding in thwarting the doings of the Lord Treasurer Burghley, who was thought by Leicester "to be playing him false."

Leicester invited Throgmorton one night to a supper at his house in London, and, just as the meal was served, hurriedly left for Court, to which he said he had been called suddenly by the Queen. Throgmorton was told to proceed with the meal in his absence, which he did, but soon after was seized with violent vomiting, from which he never recovered. The story continues, that the day before his death he declared to a dear friend: "All the circumstances and causes of his complaint, which he affirmed plainly to be poison given him in a sallet [salad] at supper, inveighing most earnestly against the Earl's cruelty and bloody disposition, and affirming him to be the wickedest, most perilous and perfidious man under heaven." Whether Leicester was the unscrupulous villain he was made out to be or not, there is no evidence.

Many writers aver that Leicester kept his professional poisoners ready to do his will and carry out his designs. There seems little doubt that he had some needy physicians in his pay. His personal doctor, one Bayly, is said to have boasted of the fact: "He knew of poisons which might be so tempered that they should kill the party afterwards at what time it should be appointed." This method, which is alluded to by many writers of the fifteenth century as slow poisoning, was probably due to the effect of administering some poison, such as arsenic or antimony in small doses until the cumulative effect of the substance proved fatal. Another Italian doctor which Leicester brought home from his travels in Italy, is mentioned in several stories as one of the unscrupulous physicians employed by him who were ready to administer the Italian Comfortive, as the poison was called, at his bidding. Those whose sudden deaths were attributed to Leicester's instrumentality were commonly said to have succumbed to "Leicester's cold."

There is little doubt, however, that Leicester was suspected of being the instigator of many murders which probably he may have had nothing to do with, as he made many enemies. His name is also associated with the sudden demise of Lord Sheffield, whose death is said to have been due to "Leicester's cold." A short time afterwards, the Earl married his widow, but under pretence that the Queen would be offended at the marriage, compelled her to keep it secret. After some time, the more effectually to conceal the connection, he required her to marry Sir Edward Stafford. This she refused to do, till under the gentle discipline of Leicester it is recorded that "her hair fell off and her nails fell out, and she did what was demanded of her to save her life." This story is certified by her testimony on oath, and recorded by Sir William Dugdale, the antiquary, though it is well known that Dugdale was not such a reliable reporter.

The Earl of Sussex (Leicester's great rival) is also said to have been a victim. On his deathbed he is said to have warned his friends in the following words: "I am passing into another world and must now leave you to your good fortunes and to the Queen's grace and goodness; but beware of the gipsy's son [Leicester] for he will be too hard for you all. You know the beast as well as I do." Camden (historian), who does not discredit many of these stories, asserts that Leicester actually proposed in Council that Mary, The Scottish Queen should be removed by poison.

According to Burghley's papers, there was great dread of secret poisoning in Elizabeth's time. On June 27, 1572, one Richard Bexley, writing to Burghley, advises him not to take any physic from a Dr Gyfford, recently from Rome, lest he might be Italianated (a phrase actually coined to express secret poisoning). And as early as 1561, it became necessary to surround Elizabeth with precautions against poisons: Not a dish without being tasted was allowed to be brought to her table, not a glove or a handkerchief might approach her person which had not been scrutinized, and she was dosed weekly with antidotes. This was a very convenient circumstance to Sir Robert Cecil, who was receiving secret correspondence from Spain and Scotland: Should Elizabeth notice the arrival of letters before Cecil had a chance to read them, he would play upon these precautions against poisoning to buy a little time for Elizabeth to recoil from handling the documents until he had secretly read them in his own privacy.

Another story which shows the extraordinary credulity respecting the power of poisons that existed in the sixteenth century is related in a rare tract published in 1652 that purports to be an account of an attempt on the life of Elizabeth.

In 1596, one Edward Squire sometime a scrivener at Greenwich, afterwards a deputy purveyor for the Queen's stable, in Sir Francis Drake's last voyage was taken prisoner and carried into Spain, and being set at liberty, one Walpole a Jesuit grew acquainted with him and got him into the Inquisition whence he returned a resolved Papist, he persuaded Squire to undertake to poison the pommel of the Queen's saddle, and, to make him constant, made Squire receive the Sacrament upon it; he then gave him the poison choosing that he should take it in a double bladder and should prick the bladder full of holes in the upper part, when he should use it (carrying it within a thick glove for the safety of his hand) should after turn it downward pressing the bladder upon the pommel of the Queen's saddle. This Squire confessed when he was being held in Spain, and for his safer dispatch it was devised that two Spanish prisoners take to Calais and be exchanged for Squire and one Rawles, that it might not be thought that Squire came over but as a redeemed captive.

The Munday sennight after Squire returned into England, he understanding the horses were preparing for the Queen's riding abroad laid his hand and crushed the poison upon the pommel of the Queen's saddle saying 'God save the Queen;' the Queen road abroad and as it should seem laid her hand upon the place or else received no hurt (through God's goodness) by touching it. Walpole counting the thing as done, imparted it to some principal fugitives there, but being disappointed of his hope, supposing Squire to have been false, to be revenged on him sent one hither (who should pretend to have stolen from thence) with letters wherein the plot of Squire was contained; this letter was pretended to be stolen out of one of their studies. Squire being apprehended confessed all without any rigour, but after denied that he put it into execution, although he acknowledged he consented to it in the plot, at length he confessed the putting it in execution also."

Squire was executed for high treason. A Scottish noble, George Home (Earl of Dunbar), is said to have been poisoned by tablets of sugar given to him for the flu. The tablets were administered by Robert Cecil in 1611. A postmortem examination was made by one Martin Souqir (physician) who is said to have tried the poison by laying his finger on the subject's heart and touching it with his tongue (a curious clinical test for poison on which apparently great reliance was placed at that period) with the result that he died within a few days.

Few medical men have even been suspected, and those few only upon visionary grounds, and under the impulse of violent political feeling.

In the Jacobean times it was the custom to decide questions of poisoning from the symptoms only. Till the close of the seventeenth century, indeed, no other evidence was accounted so infallible, and for the simple reason, that in reality the other branches of evidence were even more imperfectly understood.

APPENDIX B. GEORGE VILLIERS, FIRST DUKE OF BUCKINGHAM (1592–1628)

i. First scenes

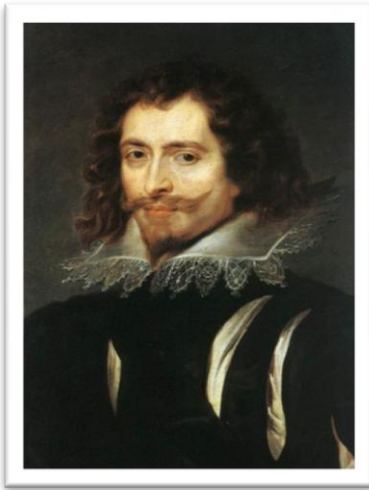


Figure 28:
George Villiers
First Duke of Buckingham
(1592–1628)

On Thursday March 8, 1614, the celebrated Latin comedy play *Ignoramus*,³⁰⁹ written to expose the Latinized English and other barbarisms of the law, raised a great calamity among the solicitors: The production irritated the latter and disturbed the Inns of Court. However, the performance delighted King James so much, that he paid a second visit to Cambridge that year to witness its repetition. The author of the play has been presumed to have been George Ruggle, a native of Lavenham in Suffolk.^{310,311}

It can fairly be stated, that it was at Cambridge, when this above-mentioned play was performed by the students of the University, that one George Villiers was distinguished by the King's favourable glances. It was probably then that Villiers obtained his introduction to James, ushered on by Courtiers, who were jealous of Somerset, who was the reigning favourite at the time.

Schemes were constantly thought of by Courtiers for some new star to take the place of Somerset; a new favourite whose power and influence would be used in their favour. Little did it matter that in the year 1615, Coke in one of his parliamentary speeches had termed the

³⁰⁹ An elaborate edition of this play with notes by Hawkins was published in 8vo. in 1789.

³¹⁰ After George Ruggle received the rudiments of his education at Lavenham grammar school, he entered the University in 1589 as a Pensioner of St. John's College, being then in his fourteenth year; in 1593 he removed to a Scholarship at Trinity; and, having proceeded M.A. in 1597, and taken holy orders, was elected a Fellow of Clare Hall in 1598. He was Taxer of the University in 1604; was admitted M.A. of Oxford when the King was there in 1605, resigned his Fellowship in 1620, and died about a year after.

³¹¹ Granger, *Biographical History of England*, (1779), Vol. II.

King's prerogative as "a great overgrown monster." Nor did it matter whilst Coke presided in the King's Bench, he insinuated the Common law of England was in imminent danger of being perverted. Nothing stopped the Courtiers, who were willing to lay out some little money on Villiers as a promising speculation, and sooner than later, Sir Thomas Lake bought the cup-bearer's office for Villiers.

ii. Pedigree

It was reported by those who envied Villiers's greatness that he was of a "mean descent," as it was termed, but his family had been seated at Brokesby in Leicestershire from the time of Henry III, and according to a pedigree confirmed by the Heralds in 1670 which was printed in the *History of Leicestershire*,³¹² Villiers descended from Aymer de Villiers, sewer to the French King Philip I, who had been slain by William the Conqueror's soldiers in 1076.

Villiers was the fourth son of Sir George Villiers (knighted, it is said, but unknown when); his mother was Sir George's second wife, Mary, daughter of Anthony Beaumont, of Cole Orton, afterwards created Duchess of Buckingham.

The education of the future favourite was from his tenth to his thirteenth year at the school of Billesdon, "where," says his first biographer Henry Wotton, "he was taught the principles of music, and other light literature." He was afterwards tutored at home in dancing, fencing, and all the qualifications of a Courtier. He travelled for three years to France, returned perfected in every accomplishment of an education from which all that we are used to call learning seems to have been utterly excluded.³¹³

Villiers remained another year in his mother's house in the country before any plan could be set for his future. When he met with one of the daughters of Sir Roger Aston, (all four represented, and their actual marriages detailed on Aston's monument engraved in Lysons's *Environs*),³¹⁴ they both conceived a mutual affection. "The gentlewoman loved him so well as could all his friends have made for her great fortune, and with 100 Marks jointure, she married

³¹² Vol. III. p. 197.

³¹³ Lodge, *Portraits of Illustrious Personages of Great Britain*.

³¹⁴ Vol. V. p. 22.

him presently, in despite of all her friends, and no question would have had him without any jointure at all.” Welldon had stated; however, Villiers was turned from the match by Sir James Graham, a gentleman of the Privy Chamber, who encouraged him instead to woo fortune in the Court. It is not peculiar that the courtship between Villiers and Aston’s daughter is enveloped in doubt and obscurity.

iii. Other paths

Contemporary writers would almost cause us to imagine that the King loved Villiers at first sight. We do not know if this was so, but we do know of an early tale that comes from the *Aulicus Coquinariae*, which is a collection of Court scandals and anecdotes. In those pages are many intrigues and schemes of Somerset’s enemies determined to set up Villiers as the new star. One such intrigue happened at a party at Baynard’s castle in the presence of the Earl of Pembroke and his brother Montgomery; also present were the Seymours, and other nobles. It was a gathering to consider whether young Villiers, who had taken the King’s fancy, should be supported as a rival candidate. The story goes as follows.

The guests, on passing from one of the great houses in the Strand through Fleet Street, happened to notice a painter’s stall where a picture of Somerset was put up for sale. One of the guests, as a sign of scorn for Somerset against whom they were plotting, ordered his servant to throw some mud at the portrait. No sooner was this done, when insult was answered by insult. “This was quickly discovered by him [Somerset] who was then, as yet, in some possession of the King’s heart.” Somerset had one of his servants take a more effective revenge. Whilst Villiers sat at the royal table, a servant deliberately spilt a dish of soup over him. Villiers sprang up and punched the man over the ear. James upheld the justice of the blow, though it had passed in his presence, and this gave proof of his affection for the younger man. Back to the drawing board then it was for Somerset.

No doubt, other ways of ridding one of a rival was tried. In Alsatia, a Captain Colepepper was ready, at a price, to stalk any gallant in the dark and, between one end of an alley and the other, stick a knife, or poniard as it was called, in his back. And act that was done at a later date by John Felton, Villiers’s assassin. Somerset was rich enough to pay for such services, and

one Kerr, an illegitimate Kinsman of the Lord Chamberlain, was, it is said, ready for the job. But Kerr boasted about it to someone at the Court, who carried the news to those who had put their money on the new man Villiers. The would-be assassin was hauled away, and though he saved his neck by stubborn denial, he was found guilty only of repeating Somerset's name, and was committed to the dungeons. What became of Kerr does not appear anywhere.

iv. The rise

The rise of Villiers was certainly accelerated by the efforts of Archbishop Abbot and the Queen of Denmark, who were constantly offended by the arrogance of Somerset and his influence over the King. They adopted a resolution as it has been termed of driving out one nail by another: On April 23, 1615, Villiers was sworn a gentleman of the King's bed-chamber with an annual pension of £1,000 payable from the Court of Wards. The following day, he received the honour of Knighthood at the Queen's Palace, at Somerset House. These events were written by Archbishop Abbot:

I repute it not amiss to observe a few words of the Duke of Buckingham, as he was in his rising. I say nothing of his being in France, because I was not present, and divers others there be that remember it well; but I take him at his first repair to Court. James did not conceal his affection towards Villiers; but the Queen would not come to it, albeit divers Lords, (whereof some are dead, and some yet living) did earnestly solicit her Majesty thereunto. When it would not do, I was very much moved to put to my helping hand, they knowing that Queen Anne was graciously pleased to give me more credit than ordinary, which all her attendants knew she continued till the time of her death. I laboured much, but could not prevail; the Queen often saying to me: 'My Lord, you and the rest of your friends know not what you do. I know your master better than you all; for if this young man be once brought in, the first persons that he will plague must be you that labour for him; yea, I shall have my part also. The King will teach him to despise and hardly entreat us all that he may seem to be beholden to none but himself.' Notwithstanding this, we were still instant, telling her Majesty, that the change would be for the better. For George

[Villiers] was of a good nature, which the other [Somerset] was not; and if he should degenerate, yet it would be a long time before he were able to attain to that height of evil, which the other had. In the end, upon importunity, Queen Anne condescended, and so pressed it with the King, that he assented; which was so stricken while the iron was hot, that in the Queen's bed-chamber, the King knighted Villiers with the rapier which the Prince did wear. And when the King gave order to swear him of the bed-chamber, Somerset importuned the King with a message, that he might be only sworn a groom. But myself and others that were at the door, sent to her Majesty that she would perfect her work, and cause him to be sworn a gentleman of the chamber.

Villiers went in with the King; but no sooner he got loose but he came forth unto me into the privy gallery, and there embraced me. He professed that he was so infinitely bound unto me, that all his life long he must honour me as his father; and now he did beseech me, that I would give him some lessons how he should carry himself. When he earnestly followed this chase, I said I would give him three short lessons, if he would learn them. The first was that daily upon his knees he should pray to God to bless the King his master, and to give him grace, studiously to serve and please him. The second was that he should do all good offices between the King and the Queen, and between the King and the Prince. The third was that he should fill his master's ears with nothing but truth. I made him repeat these three things unto me, and then I would have him to acquaint the King with them, and so tell me, when I met him again, what the King said unto him. He promised me he would; and the morrow after, Mr. Thomas Murray (the Prince's Tutor), and I standing together in the gallery at Whitehall, Villiers coming forth, and drawing to us, he told Murray how much he was beholden unto me, and that I had given him certain instructions, which I prayed him to rehearse, as indifferently well he did before us; yea, and that he had made the King acquainted with them, who said, they were instructions worthy of an Archbishop to give to a young man. His countenance of thankfulness for a few days continued, but not long, either to me or any others his well-wishers.³¹⁵

³¹⁵ Rushworth's *Collections*, Vol. I.

In the meantime, it was a natural course for James to grow weary of Somerset. The Kingdom groaned under the branches of Northampton, Suffolk, and Somerset (though Northampton soon after died). But James had a way of dealing with such matters: He would never admit anyone too near to himself except for his Queen; if she complained of her King's favourite, on any matter, he would answer that she had recommended him to his presence, and therefore it was her fault. The historian Hume justly remarks: "James was ashamed of his sudden attachment." James was probably aware how much his partiality to favourites subjected him to public scrutiny so he endeavoured to raise Villiers as quietly as possible.

When at a later date Villiers was sworn into the Privy Council, James dubbed Villiers "Steenie," a pet name which was from a fanciful allusion to St. Stephen, "when all that sat in the Council, looking on him saw his face as if it had been the face of an angel." Bishop Goodman tells us how Villiers "had a very lovely complexion; he was the handsomest bodied man of England; his limbs so well compacted, and his conversation so pleasing, and of so sweet a disposition. And truly his intellectuals were very great: He had a sound judgment, and was of a quick apprehension, in so much that I have heard it from two men and very great men, that he was as inwardly beautiful as he was outwardly, and that the world had not a more ingenious gentleman, or words to that effect." Villiers's boyish, almost girlish looks, made him seem noticeable. Even D'Ewes, who saw him once standing among a number of French men in the tilting yard at Whitehall, comments on this characteristic of the young Knight: "I saw everything in him full of delicacy and handsome features, yea his hands and feet seemed to be specially effeminate and curious."

v. Tricky incidents

To track a little ahead, marriages have, in all ages, been employed to strengthen political interests; and in Jacobean days the marriage of a child or ward was regarded as a regular territorial perquisite, to which every Lord of a manor was clearly entitled, even upon the marriage of his tenant's orphan children. Coke viewed these marriages as mere matters of bargain; he shows this by which he proposed the espousal of his youngest daughter by the Lady Frances Hatton to Villiers's eldest brother, Sir John. This event happened in 1617, the

year after Coke's disgrace, and had been living in retirement at his seat at Stoke in Buckinghamshire. Coke gladly proposed, through Secretary Winwood, this marriage to the brother of the favourite. An account of this proposal being written to Villiers, then on a progress with the King in Scotland, the offer was accepted. Coke's daughter, Frances, was only fourteen, and her inclination in this affair was never thought of, nor was her mother's consent asked for in the match. Coke considered only one darling object: How to recover his interest at Court and for this he was evidently willing to make any sacrifice.

On October 27, 1617, Winwood died. It will be remembered, by Winwood's enmity to Somerset, the Overbury crime was first dragged to into light, and after the ruin of that favourite, which led to the immediate advancement of Villiers, Winwood had had some influence over the new man. It could almost be sensed, that Winwood contrived the apocalypse of Overbury's murder to offer the stepping stone for Villiers's rise. Winwood was a hater of Spain, and had been partly instrumental in gaining Raleigh's release for a voyage which was to end in a disaster, and for Winwood's sake, his death perhaps was timely in saving him from sharing Raleigh's final downfall. Villiers at this time was not on the side of the Spanish party, and, inspired by Winwood, he used his influence with the King for Raleigh's release. It was not, therefore peculiar upon Winwood's death and with Gundamor's influence to completely alienated Villiers from Elizabethan traditions, and from that time onwards, he was drawn into the schemes of those who favoured a Spanish alliance.

Winwood's death had another result upon the fortunes of the favourite: No successor was appointed to his office for a time, and Villiers became more closely associated with foreign policy. "The King said he was never so well served as when he was his own secretary, and to that end had delivered the Seals that were belonging to Sir Ralph Winwood to the custody of the Earl of Buckingham, and there perhaps they shall remain till they both grow weary of the trouble." (Chamberlain) When they did grow weary, Naunton was made Secretary, a man of mediocre ability and insignificant character. Power was thrust into the hands of Villiers, with little trouble on his part to acquire it, and in this way fortune was so extraordinarily on his side that he has been given more credit for subtle diplomacy than is his due. Great as he was at Court at this time, he had now many influential enemies, among whom the Howard family was the leader of a hostile faction. They still held high office, the Duke of Suffolk as Lord

Treasurer, the Earl of Nottingham as Lord High Admiral, Sir Thomas Lake, one of their Kinsmen (who had first befriended Villiers), as a Secretary of State.

By 1618, they were swept, one after another, off the stage on which they had played great, but not noble parts. They made one desperate bid to put down the favourite by bringing to Court a young man named Monson, whom they hoped would attract the King's eye, as Villiers's youthful beauty had done. Monson was the son of Sir Thomas Monson who had been accused of complicity in the murder of Overbury, and was "a creature of vile character." But he had good looks, and the Howards, who set him up as a new idol, "took great pains in tricking and pranking him up, besides washing his face every day with posset-curd." (Chamberlain to Carleton) But the plot failed. The King sent Monson a message that he did not like this forwardness in presenting himself continually, and that his father and uncle were not long since called in and questioned for matters of no small importance, his own education with such persons being a cause of suspicion, and ordered Monson from appearing. If Monson would follow James's advice, he may remain in the Court. This was a shrewd blow to the hopes of the Howards, and the King showed his continued affection for Villiers by granting the latter the lease of the Irish Customs, which increased his fortune by at least £2,000 a year out of the surplus of the profits.

Villiers, six years after his coming to Court, married. Doubtless in his first proposals for the hand of Katharine Manners (daughter of the Earl of Rutland), Villiers was moved mainly by ambition as they all were moved. The marriage took place on May 16, 1620. The Spanish Ambassador (Gundamor), in a simile which does more credit to his wit than to his reverence, wrote in his dispatches that there was never more hope of England's conversion to the Roman faith than now; for here are more prayers offered to the mother [Villiers] than to the son. While Villiers had had trouble over his marriage because his wife was a Catholic, his mother was being drawn towards the old religion, and this again was a cause of annoyance to the King, chiefly, no doubt, because it would arouse suspicion in the public mind that his favourite was also a Catholic in sympathy, even though he conformed outwardly to the Church of England. Villiers must also have realized this danger, because he took some efforts to withdraw his mother from the influence of Fisher, to whom she had made a declaration of faith. He engaged

the services of Dr Francis White, Divinity Lecturer at St. Paul's, to hold a polemical battle with the priest in her presence.

vi. The monopoly scandal

However glad the favourite was to retire to his private parks, he was not rash enough to risk losing his hold upon the King by too long an absence, or to forfeit his own prerogatives of patronage. The highest as well as the humblest offices of the Court were in his hands, and if any other person attempted to appoint a friend or a servant to a vacancy without first consulting Villiers, the favourite was quick to show his wrath, and exert his supreme influence. In the early days of 1621, a storm which had long been brewing burst out with a violence which was especially threatening to Bacon and Villiers: To Bacon as the fountain-head of justice, and to Villiers as the head of the Villiers family. Both were accused of gaining wealth by commercial corruption. Edward and Christopher Villiers had tried to increase their wealth by business transactions of a somewhat doubtful character. They had lent their names to the practice of granting monopolies and patents in certain trades together with George Villiers. They were connected with the gold thread patent, the glass patent, and others. It has been proved, however, that the financial benefit derived by Edward and Christopher Villiers from these enterprises was limited to a few hundred pounds, while George's share was of no account whatever, and his sole interest in the patents was on account of his brothers' connection.

Apart from these trade monopolies, there was one patent (or license) granted by the law-officers of the crown which lent itself to abuse of the most scandalous character, and it was unfortunate for Villiers that the man who was most notorious in exploiting it for his own benefit was his Kinsman, Sir Giles Mompesson. It was the license for ale and wine houses, designed originally to keep a controlling power over the proper conduct of those places which had been too notorious as the hiding places of thieves. But it had acted in precisely the opposite direction. Mompesson, into whose hands the power of granting the licenses had mainly been given, acquired enormous wealth by receiving heavy bribes from the owners of taverns, and while under his regime respectable innkeepers found it difficult to obtain their license, unless

by heavy payment, the numbers of disorderly houses increased enormously, to the great scandal of all London citizens. In short, it was a mafia staged operation.

Mompesson was summoned before a Committee of the whole House of Lords, and after a severe examination, which revealed the truth of all the charges against him, he was denounced by many of the Members with a determination to have justice done. Thoroughly lacking to defend himself, this blackmailer and thieves' patron threw himself upon the mercy of the House, which would have no mercy. A warrant was drawn up for his arrest, but when the Officer proceeded to deliver it, Mompesson jumped out of the window and fled. The news of his escape was heard with rage by his enemies in the Lords and Commons. Orders were dispatched instantly to close all ports, but without avail; the fugitive was already on board a boat. In their rage, citizens who had thirsted for Mompesson's blood turned against George Villiers. Mompesson, they said, would not have got away if his Kinsman, the King's favourite, had not smuggled him through. Did Villiers help to smuggle Mompesson away from the claws of justice? If anyone could, he could.

Although Villiers showed that the royal patronage still flowed through his hands alone, there were ominous signs in both Houses of Parliament that his two brothers (Edward and Christopher) were associated with the crimes of Mompesson, and that he would in all likelihood be denounced as the responsible adviser of the King in this business. So how does Villiers shield himself and his brothers? He states that the late Lord Chancellor Ellesmere, and Sir Francis Bacon (Ellesmere's successor) had, as the highest representatives of the law, given their sanction and Seals to the licenses now so loudly condemned. To the great officers of the law, therefore, must the Commons address their complaints, and not to one who, though the King's rights hand in the dispensing of royal favours, had no authority in the administration and interpretation of justice. Even James entered into the conflict when he said before the House of Lords the following: "Before parliament met, my subjects whenever they had any favour to ask used to come either to me or to Buckingham. But now, as if we had both ceased to exist, they go to the parliament. All this is most disrespectful. I will, therefore, tell you a fable. In the days when animals could speak, there was a cow burdened with too heavy a tail, and before the end of the winter she had it cut off. When the summer came, and the flies began to annoy her, she would gladly have had her tail back again. I and Buckingham are like the

cow's tail, and when the session is over you will be glad to have us back again to defend you from abuses."

The temper of the Lords as well as of the Commons was not to be cooled down by royal censure. Bacon and Lord Mandeville (Treasurer), were practically put on their trial by their Peers; Pembroke interrogating them severely in the Upper House, while Coke, in spite of his relationship to the Villiers family, led a bitter opposition in the Commons, and rejoiced in his opportunity of attacking from that place the reputation of his old enemy, Bacon.

By now, Sir Henry Yelverton was a prisoner in the Tower, and was subjected to an examination about the granting of the patents. His evidence indicated the full measure of the abuse to which they had been put. Even Cranfield, who had been a flatterer of the favourite, declared himself on the side of the opposition, and his hostility toward Bacon led him to demand an examination of those who had been directly responsible for the grants. The King was alarmed. Upon some advice from Williams, he told Villiers to bow before the storm; and so he did when he announced: "If my father had begotten two sons to be grievances to the Commonwealth, I must tell you that the same father begot a third son who would help in punishing them." These words were heard with surprise and delight by the Peers from Villiers's lips in the House of Commons. Villiers managed to gain personal triumph and saved the King from humiliation. Then Yelverton was examined upon the circumstances attending the grant for the patent of Inns, and the patent for gold and silver thread. He defended himself by protesting that he had been punished by the King for checking the abuses of the Inn licenses, and had suffered by the ill-will of the favourite, who stood ever at his Majesty's hand to throw him down. The words were not only an attack upon Villiers, who was now on the side of reform, but a direct insult to the King, who was charged with injustice owing to the influence of his favourite. Such words could not be passed in silence. Cries resounded on every side protesting against this language. But Villiers, always ready to face an accusation with scorn, bore down the voices that wanted Yelverton to hold his peace with these words: "He that will seek to stop him, [Yelverton,] is more my enemy than his."

Yelverton was re-examined for his attack upon the honour of the King, and his slander against Villiers. He had no proof to offer, and sentence was passed against him. He was ordered to be imprisoned during the King's pleasure, and to be fined 10,000 Marks for his

insult to the Sovereign. Regarding his words against Villiers, he was fined 5,000 Marks. After this sentencing, the King declared to the House of Lords, how “three patents at this time have been complained of and thought great grievances. One, that of the Inns and hostelries; two, that of alehouses, and three, that of gold and silver thread. My purpose is to strike them all dead, and that time may not be lost, I will have it done presently. That concerning alehouses I would have to be left to the managing of the Justices of the Peace, as before. That of gold and silver thread was most vilely executed both for wrong done to men’s persons, also for abuse in the State; for it was a kind of false coin. I have already freed the persons that were in prison. I will also now damn the patent.”

The spirit of reconciliation healed the wounds that had been given and received on both sides. Yelverton was forgiven, and Cranfield, who had at first shown great hostility to Bacon, but afterwards served the interests of the Court party, was advanced in favour. It was only Bacon who was excluded from the general peace-making, and the settlement of this business of the monopolies. Bacon’s enemies had gathered about him with sharp swords. He was accused of bribery and taken down in disgrace for all posterity. Upon Bacon’s charges of alleged bribery in 1620, he sends a letter to King James on March 25: “And for the briberies and gifts wherewith I am charged, when the books of hearts shall be opened, I hope I shall not be found to have the troubled fountain of a corrupt heart in a depraved habit of taking rewards to pervert justice; howsoever I may be frail, and partake of the abuse of the times.”³¹⁶ Bacon further stated in a letter to Villiers in the summer of 1621, “I never took penny for any benefice or ecclesiastical living, I never took penny for releasing anything I stopped at the Seal, I never took penny of any commission or things of that nature, I never shared with any servant for any second or inferior profit. My offenses I have myself recorded; wherein I studied, as a good confessant, guiltiness and not excuse. As for my debts, I showed them to Buckingham, when he saw the little house and the gallery of Verulam, besides a little wood or desert. If these things were not true (although the joys of the penitent be sometimes more than the joys of the innocent) I could not be as I am.” It would be unfair to Villiers to go into further details of Bacon’s case at this point; it would also be unfair to Bacon to leave him accused of bribery and

³¹⁶ (a) Spedding, *Life*, (1878), Vol II; (b) *Scrinia Cecilian*, (1654).

being remembered as the “wisest and meanest of mankind.” Therefore, I offer to Bacon a space in this work in the next Appendix.

vii. Villiers’s death

If Villiers backstabbed Bacon, the same boomeranged its way justly back to its tosser, when Villiers was backstabbed to death by a naval Lieutenant called John Felton.

In June 1627, Villiers personally took command of an 8,000 man force that was sent to relieve the port of La Rochelle, a Huguenot, as French Protestants were then called. After a four-month campaign in which Villiers showed bravery, and an ignorance of the arts of war, his shattered army was compelled to withdraw. The parliament of 1628 tried to force Prince Charles to dismiss the favourite, but Villiers was unmovable. Two months later, on August 17, Villiers arrived at Portsmouth to organize another expedition to La Rochelle. Five days later he was stabbed to death by John Felton, who had served in his campaigns and who misguidedly believed that he was acting in defense of principles asserted in the House of Commons. The populace of London rejoiced at the news.³¹⁷

³¹⁷ *Encyclopædia Britannica*.

APPENDIX C. BACON'S CASE

“Those that want friends to open themselves unto are cannibals of their own hearts.”

—Francis Bacon ³¹⁸

“Had I but served my God with half the zeal I served my King, he would not in mine age have left me naked to mine enemies.”

—Cardinal Wolsey



Figure 29:
Sir Francis Bacon (1560-1626)

i. The impeachment

It has often been rumoured that Francis Bacon was a gambler as was Sir Walter Raleigh and Christopher Marlowe. Such rumours to follow and unravel is particularly difficult, arduous, intricate, and perplexing, yet not impossible; not if there is enthusiasm. Yet, I shall be involved in another field of activity: To gather as much evidence as can be found regarding Bacon's impeachment in the year 1621/2; this was not a tedious labour, since the impeachment exists even in the smallest volumes of time and can be found within the Judicature of Parliament of the year 1621, in the State Calendar Records. I insert it below.

Sir Francis Bacon's Impeachment

Judicature of Parliament 1621

The person, the Lord Chancellor [Bacon]

The matter, corruption

³¹⁸ *Essay Of Friendship.*

The parties accusing, Aubrey and Egerton

That the complaints of Aubrey and Egerton, against the Lord Chancellor and the Bishop [of Llandaff] for corruption, for the £100 and £400 and the recognizance, shall be presented to the Lords from this House, without prejudice or opinion.³¹⁹

The accusers were Aubrey and Egerton; the accused were the Lord Chancellor Bacon, and the Bishop [of Llandaff]. Before going any further, Anthony Welldon, in 1617, had written a pamphlet that has been termed a libel account of King James's Court, of that Monarch's character, and of his homeland Scotland. Within Welldon's pamphlet is an entry stating Bacon's accusers: "Then was there a parliament summoned, in which Bacon for his bribery and injustice was thrust out, being closely prosecuted by one Morby a wood monger, and one Wrenham, and formerly a deeply censured man." There were two surprises at this point. One was to discover that not only Bacon was charged with bribery, but also a Bishop, being the Bishop of Llandaff, as the official document of Bacon's impeachment records; and two, Welldon was giving two entirely different names as the accusers, contradicting the impeachment. Before deciding which document was true, I thought best not to concern my research to Welldon's claim, since it cannot be ascertained, and possibly is just a libel as many have reported. I therefore decided to hunt down the State Calendar Records and the wording in the impeachment.

One question popped up: Who was this Bishop being accused with Bacon at the same time, and also charged for the same bribe? The research of this Bishop took a turn to when an Archbishop Laud was consecrated to the See of St. David on November 18, 1621, by a Theophilus Field, Bishop of Llandaff. It was obvious that the Bishop mentioned in Aubrey and Egerton's charges (in the impeachment), was this Theophilus Field, who was Bishop of Llandaff in 1621. I will from here onwards refer to Theophilus Field, Bishop of Llandaff, simply as Field. Urged by this key of knowledge, I searched *The National Dictionary of Bishops*, and came up with his short pedigree.

³¹⁹ Prothero's *Select Statutes and other Constitutional Documents*, (1906).

ii. Theophilus Field, Bishop of Llandaff

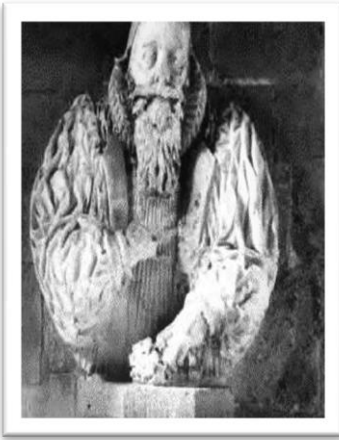


Figure 30:
Theophilus Field
Bishop of Llandaff
(1574-1636)

Field was born in 1574, and was the brother of Nathaniel Field, the actor.³²⁰ King James had appointed Field as one of his chaplains, and also acted in the same capacity to Bacon when he was Lord Chancellor. This information comes from the Calendar State Papers,³²¹ and serves as an additional peculiarity, that James and Bacon's chaplain should be charged with bribery in 1621 by the same accusers and upon the same bribe as Bacon was accused.

In gossip correspondence of the time, Chamberlain, in a letter to Carleton, on June 2, 1619, describes one Theophilus Field as “a sort of broker for Francis Bacon the Chancellor in his speculations.” To verify that Field was “a sort of broker for Francis Bacon” I turned elsewhere and found substantiation in the Calendar State Papers;³²² the documents tell us: “Theophilus Field (Bishop of Llandaff) and Sir Francis Bacon (Lord Chancellor) had both been charged by one Aubrey and one Egerton for corruption of £100 and £400. Theophilus Field, Bishop of Llandaff was broker to the then Lord Chancellor Bacon, specifically in 1619. Theophilus Field (Bishop of Llandaff) served as Bacon's chaplain and was appointed chaplain to King James.”

In Le Neve Fasti's edition of *Hardy*, it states that Villiers, “the absolute favourite to the King, showed interest to consecrate Field as Bishop of Llandaff on October 10, 1619.”³²³

³²⁰ It would be good advice to any authorship hunter, with a tendency to martyrdom of ambition, to track down this Nathaniel Field, the actor, who may possibly have been acquainted with Bacon, and have furnished him with valuable hints on stage directions or on how plays were presented and written on the Shakespearean Stage. There is no evidence for this, only an assumption, yet a very strong assumption for the Baconian to consider investigating.

³²¹ Dom 1619–23, p. 238.

³²² *Ibid.*, p. 260.

³²³ Vol. II. p. 253.

Furthermore, Field is shown to be dissatisfied with “the smallness of the revenue,” and pestered Villiers with letters “urging his poverty (having a wife and six children to maintain), and vowing to spend his blood for him.” This would mean that Villiers was requested to advance Field to a better Bishopric, such as in Hereford. This interest toward Field’s advancement is further collaborated in Willis’s *Survey of Cathedrals*.³²⁴

Field’s words “to spend his blood for him” if Villiers would get him a better Bishopric in Hereford, carried the smell of open bribery. These types of briberies, or favours requested, were not uncommon in those times. And since they were done in the open, they were not deemed immoral, even if they were coming from a chaplain or a bishop. Every office or position was open for sale. If you had means to pay, you would buy. This type of germ was created by James himself; before he had been three months in England, he had bestowed the Knighthood to seven hundred individuals. A general summons stated all persons possessing £40 a year in land should either accept this title or combine with the King’s Commissioners. By this measure, James filled his coffers and dishonoured the title of Knighthood that had been considered a special mark termed “Royal Favour.” His act was the germ from which there afterwards sprang the system of the crown selling State Offices to the highest bidder, and the disposal of peerages and baronetcies for hard cash.³²⁵ This germ can be witnessed adequately in the system and operation of the Chancery Court in the late sixteenth century.

iii. Field’s clearance of charges

Returning to the year 1621, Field was impeached by the Commons for “brocage and bribery” before the promotion he had asked Villiers to look into. The accusation was coming from Edward Egerton. In *The History of England*, we find the following: “Field’s defence as regards the charge of bribery was deemed satisfactory by the Lords, since it was not a fitting thing for a clergyman to be concerned in a brocage of such a nature; the House required the Archbishop of Canterbury to give him an admonition as Dr Field, not as Bishop of Llandaff, in

³²⁴ Vol. II. pp. 526, 527.

³²⁵ Alfred Dodd, *Francis Bacon’s Personal Life Story*, (London, 1986), Vol. II.

the Convocation House, which was done accordingly.”³²⁶ What was Field’s defence at the time, I was not able to find out. Despite this, Le Neve says that Field still persevered in his suit to Villiers, and as the result of a letter written in August 1627, Field was translated to the See of St. David’s in the following September.³²⁷ Though Field’s income was quadrupled at the time, he found the air of his new diocese to disagree with him; when he was asked by James why he lingered on at Broad Sanctuary in Westminster, instead of pursuing to the See of St. David’s, we are given the reasons Field gave the King, which can be found in the Calendar State Papers in a letter to Endymion Porter, dated October 31, 1629, also printed by Jones & Freeman in their *History of St. David’s* on page 171: “Want of health and means of recovery in that desolate place, his diocese, where there is not so much as a leech to cure a sick horse; and that Cathedral should be whitewashed.” Le Neve further enlightens us, that on December 15, 1635, Field reached the summit of his ambitions by being elected Bishop of Hereford and died on June 2, 1636, to be buried at the east end of the north aisle in Hereford Cathedral.³²⁸ It seems from the information just given, that Villiers indeed did elevate Field where he wished.

In Anthony à Wood’s *Athenæ Oxon* there is some information regarding Field’s works: “He [Field] wrote a Christian Preparation to the Lord’s Supper, 8vo in 1624, besides several sermons and other things. He also contributed to, and apparently edited, *An Italian’s Dead Bodie Stuckl with English Flowers Elegies on the Death of Sir Oratio Pallavincino*, published in London in 1600. Poor commendatory verses by him are prefixed to Straddling’s *Divine Poems*, 1625.”^{329,330}

The above facts is all that came to light on Field who was charged with bribery, and was Bacon and James’s chaplain, “a sort of broker” to Bacon in 1619. Leaving Field, since he was cleared of any bribery charges, though we don’t know his actual defence in the matter, I come to what happened in the opening of the year 1619, and what followed.

³²⁶ Vol. IV. pp. 77, 78.

³²⁷ Vol. I. pp. 302, 331.

³²⁸ Vol. I. p. 471.

³²⁹ Vol. II. p. 397.

³³⁰ *Fasto*, Vol. I. pp. 288, 289.

iv. The scandal

Edward and Christopher Villiers, the two brothers of George Villiers, had tried to increase their wealth by business transactions of a somewhat doubtful character. They had lent their names to the practice of granting monopolies and patents in certain trades together with their relative George. One big happy family connected with the gold thread patent, the glass patent, and other patents at the time. Apart from these trade monopolies already mentioned, there was one patent (or license) that was granted by the law-officers of the crown; this lent itself to the abuse of the most scandalous character, and it may well be that it was unfortunate for Villiers that the man who was most notorious in exploiting it for his own benefit, was his Kinsman, Sir Giles Mompesson. The license was for ale and wine houses, designed originally to keep a controlling power over the proper conduct of those places which had been too notorious as hiding places for thieves and dishonorable people.

Mompesson, into whose hands the power of granting the licenses had mainly been given, acquired enormous wealth by receiving heavy bribes from the owners of taverns. Furthermore, while under his regime, respectable innkeepers found it difficult to obtain their license, unless by heavy payment. It looked like a mafia operation with the eyes of a modern reader.

Mompesson, as was expected, was summoned before a Committee of the whole House of Lords. After a severe examination, which revealed the truth of all the charges against him, he was denounced by many of the Members with the most resolute determination to have justice done upon him. Frightened, this blackmailer and thieves' patron threw himself upon the mercy of the House, which would have no mercy. A warrant was drawn up for his arrest, but when the officer went to deliver the warrant, Mompesson jumped out of the window and fled.

The news of Mompesson's escape was heard with rage by his enemies in the Lords and Commons. Orders were dispatched instantly to close all ports, but without avail. The fugitive was already on board a cross channel boat. In their rage, citizens began to blame George Villiers. Mompesson, they said, would not have got away if his Kinsman, the King's favourite, had not smuggled him through. One may ask, if Villiers helped to smuggle Mompesson from the claws of justice. If anyone could, he could.

v. The charges

Coming down to the charges, a question could be put at this point if Bacon had any kind of knowledge of Mompesson's dealings with the Villiers brothers. And for that matter, did the King, of all people know. The answer would be yes; they both knew what the Villiers brothers were involved in, because Mompesson received heavy bribes and was running a blackmail corporation which would have been impossible to do without the support of George Villiers, and Francis Bacon. It is impossible to believe the King was unaware of this operation; possibly he turned a blind eye to the whole affair due to the kinship involvement of his favourite.

Although Villiers showed that the royal patronage still flowed through his hands alone, there were signs in both Houses of Parliament that his two brothers, Edward and Christopher, would be associated with the crimes of Mompesson, and that he would in all likelihood be denounced as the responsible adviser of the King in this business. The Villiers brothers were guilty of crimes, not to mention with the utmost foulness, connected with the crimes of Mompesson. Villiers and his brothers were in trouble; a shield was needed, and a good card to play with, if you will. Villiers threw his strongest card with sneaky mannerism at the House of Commons and goes on record to state, that the late Lord Chancellor Ellesmere, together with Francis Bacon (his successor), had, as the highest representatives of the law, given their sanction and Seals to the licenses now so loudly condemned. To the great officers of the law, Ellesmere and Bacon therefore, must the Commons address their complaints, and not to one who, though the King's right hand in the dispensing of royal favours, had no authority in the administration and interpretation of justice.

In the meantime, James was not prepared to allow Villiers nor his brothers suffer; he himself enters into this conflict: "Before parliament met, my subjects whenever they had any favour to ask used to come either to me or to Buckingham. But now, as if we had both ceased to exist, they go to the parliament. All this is most disrespectful. I will, therefore, tell you a fable. In the days when animals could speak, there was a cow burdened with too heavy a tail, and before the end of the winter she had it cut off. When the summer came, and the flies began to annoy her, she would gladly have had her tail back again. I and Buckingham are like the

cow's tail, and when the session is over you will be glad to have us back again to defend you from abuses."

This wizardry of card playing, that Villiers so well presented to protect himself and his brothers, began to shake the card of houses that the English crown had built since James sat on the English throne. The temper of the Lords as well as of the Commons was not to be cooled down by royal censure. Bacon and Lord Mandeville (Treasurer) were practically put on their trial by the Peers. Pembroke interrogated them severely in the Upper House, while Coke, regardless of his relationship to the Villiers family, led a bitter opposition in the Commons, and rejoiced in his opportunity of attacking from that place the reputation of his old enemy, Bacon.

As these mannerisms were going on, Sir Henry Yelverton was locked prisoner in the Tower and was subjected to an examination about the granting of the patents. His evidence indicated the full measure of the abuse to which they had been put. Even Cranfield, who had been a flatterer of the favourite, declared himself on the side of the opposition, and his hostility to Bacon led him to demand an examination of those who had been directly responsible for the grants. For obvious reasons, James was more alarmed than ever. Villiers went for some advice to Williams (his patron) who told him to bow before the storm; and so he did: "If my father had begotten two sons [Edward and Christopher Villiers] to be grievances to the Commonwealth, I must tell you that the same father begot a third son [George Villiers] who would help in punishing them." And that did bow the surprise of the Peers with delight in the House of Commons. Villiers had now, at last, gained personal triumph and saved the King from humiliation.

Regardless of this small breath of fresh air to the King and his favourite, Yelverton in the Tower was examined again, this time upon the circumstances attending the grant for the patent of Inns, and the patent for gold and silver thread. Let us not forget what Villiers had said: "To the great officers of the law, therefore, must the Commons address their complaints, and not to one who, though the King's right hand in the dispensing of royal favours, had no authority in the administration and interpretation of justice." The House did not forget those words. Yelverton defended himself by protesting that he had been punished by the King for checking the abuses of the Inn licenses, and had suffered by the ill-will of the favourite, who "stood ever at his Majesty's hand to show him down." The words were not only an attack upon Villiers,

who was now on the side of reform, but a direct insult to James now being charged by Yelverton with injustice owing to the influence of his favourite. Such words could not be passed in silence. Cries resounded on every side protesting against this language. But Villiers, ready always to face an accusation with scorn, bore down the voices that wanted Yelverton to hold his peace: "He that will seek to stop him, [Yelverton,] is more my enemy than his."

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The spirit of reconciliation healed the wounds that had been given and received on both sides. Yelverton was forgiven, and Cranfield, who had at first shown great hostility to Bacon, but afterwards served the interests of the Court party, was advanced in favour. It was only Bacon who was excluded from the general peace-making, and before, indeed, the settlement of this business of the monopolies, his enemies had gathered about him with sharp swords. He was now being accused of bribery and sooner than later taken down in disgrace.

Let us remember Bacon's memorable words to King James: "I am the first; I wish I may be the last sacrifice." There is no doubt that Bacon had to be sacrificed at this point and be offered like a lamb to its slaughter to whirl from the King and the Villiers family the above grievous matters. Let us neither forget that James was becoming very unpopular to his subjects; he had heavy chains of dishonesty dragging behind him: The Gowrie mystery in 1600; the gunpowder plot in 1605; Prince Henry's death and alleged poisoning in 1612, and not last would be the sham of a trial on the Overbury poisoning in 1616, including Raleigh's unjust execution in 1617.

vi. Interview with a king

Here is the interview between the King and Bacon that took place under the clear entry in the Journals of the House of Lords of April 17, 1621:

The Lord Treasurer signified, that in the interim of this cessation, the Lord Chancellor [Bacon] was an humble suitor unto his Majesty, that he might see his Majesty and speak with him; and although his Majesty, in respect of the Lord Chancellor person, and of the place he holds, might have given his Lordship that favour, yet, for that his Lordship is under the trial of this House, his Majesty would not on the sudden grant it.

That on Sunday last, the King calling all the Lords of this House which were of his Council before him, it pleased his Majesty to show their Lordships what was desired by the Lord Chancellor, [Bacon,] demanding their Lordships advice therein. The Lords did not presume to advise his Majesty; for that his Majesty did suddenly propound such a course as all the world could not advise a better; which was that his Majesty would speak with him privately.

That yesterday, his Majesty admitting the Lord Chancellor [Bacon] to his presence, his Lordship desired that he might have a particular of those matters wherewith he is charged before the Lords of this House; for that it was not possible for him, who passed so many orders and decrees in a year, to remember all things that fell out in them; and that, this being granted, his Lordship would desire two requests of his Majesty. That, where his answers should be fair and clear, to those things objected against him, his Lordship might stand upon his innocency; [innocence;] and two, where his answer should not be so fair and clear, there his Lordship might be admitted to the extenuation of the charge; and where the proofs were full and undeniable, his Lordship would ingenuously confess them, and put himself upon the mercy of the Lords. Unto all which his Majesty's answer was, he referred him to the Lords of this House, and therefore his Majesty willed his Lordship to make report to their Lordships. It was thereupon ordered, that the Lord Treasurer should signify unto his Majesty, that the Lords do thankfully acknowledge his Majesty's favour, and hold themselves highly bound unto his Majesty for the same.

Of what exactly transpired at that critical interview we know nothing except from the above extract given. There is the greatest historic probability that, notwithstanding the high breeding of Bacon, in the midst of his dishonour, the coarse mind of James forced the doomed Chancellor to allude to many a reminiscence of that Monarch's individual guilt and political self-compromise. Bacon, in his despair, requested the Sovereign, whom he had too slavishly served, instantly to dissolve parliament. James in return recommended Bacon submit to the judgment of the Peers, and promised him, whatever might be the verdict, reinstatement in his dignities would not be problem. "I see my approaching ruin;" Bacon had exclaimed. "There is no hope of mercy in a multitude. When my enemies are to give fire, am I to make no resistance, and is there to be none to shield me? Those who strike at your Chancellor will strike at your crown. I am the first; I wish I may be the last sacrifice."

On April 17, 1621, the House met when some account of the King's interview with Bacon was narrated by the Lord Treasurer, (already given above) and ordered to be entered upon the Journals of the House; and, a rumour having been circulated that Villiers had sent his brother abroad to escape inquiry, protested very strongly to the Lords, "that whereas the opinion of the world is, that his Lordship had sent his brother, Sir Edward Villiers, abroad in the King's service, of purpose to avoid his trial touching some grievances complained of by the Commons, his Lordship was so far from that, that his Lordship did hasten his coming home; and, if anything blameworthy can be objected against him, his Lordship is as ready to censure him as he was Mompesson." The hypocrisy and game that Villiers and James were laying down, was not detected by the House; if it were, they allowed it to slip through a zone of delusion. Calmer days may arrive; this was just one more storm of James's that they had to get through. A victim was found (Bacon) and citizens will quiet down.

I do not have to state that Edward and Christopher Villiers were never brought to trial for their entanglement with Mompesson; no person would now dare charge the King's favourite's brothers. There is a very interesting encounter about Mompesson from *The National Dictionary of Biography* regarding this case, and worth adding.

vii. The national dictionary of biography account

Sir Giles Mompesson (1584–1651?), politician, was the son of Thomas Mompesson of Bathampton, Wiltshire (*d.*1587), by his second wife, Honor, daughter of Giles Estcourt of Salisbury. He had two brothers, Thomas (1587–1640) and John (*d.* 1645), rector of Codford St. Mary. With a first cousin, Jasper Mompesson, two years his senior, Giles matriculated from Hart Hall, Oxford, on October 24, 1600.³³¹ Neither seems to have taken a degree.

About 1612, Mompesson married Catharine, a younger daughter of Sir John (St. John of Lydiard Tregooze). The lady's elder sister (Barbara) was already the wife of Sir Edward Villiers, the half-brother of James I's powerful favourite (George Villiers), subsequently Duke of Buckingham. Through this connection George Villiers came to take some interest in Mompesson, and in 1614 he was elected to parliament for Great Bedwin as a subservient ally of the Court.³³²

In 1616, Mompesson suggested to George Villiers the creation of a special commission for the purpose of granting licenses to keepers of Inns and alehouses, whereby the pockets of the special commissioners and the King's impoverished exchequer might both benefit. Villiers adopted the suggestion. It was urged that the functions of the new commissioners would clash with those of the justices of the peace, but Bacon (then Attorney-General), and three judges were consulted, and the referees were of opinion that the patent for the commission was perfectly legal.

Accordingly, in October 1616, Mompesson and two others were nominated Commissioners for the licensing, and invested with the fullest powers, but the patent was not sealed by the Lord Chancellor Egerton till March 1617, and then only under great pressure from the King.³³³ The fees which the Commissioners were allowed to charge for the grant of licenses were practically left to their discretion, although it was stipulated that four-fifths of the sums received were to be paid into the exchequer.³³⁴ To increase his dignity in his new office,

³³¹ (a) Oaf. Univ. Reg., Oxf. Hist. Soc. Vol. II. p. 242; (b) cf. Cal. State Papers, p. 511. 1603–1610.

³³² James Spedding, *Bacon Works*, Vol. 65; Return of Members of Parl. App. X.

³³³ Col. State Papers, p.439, 1611–18.

³³⁴ (a) James Spedding, *Bacon Works*, Vol. VI. pp. 98–9; (b) Cal. State Papers, p.439, 1611–18.

Mompesson was knighted by James at Newmarket on November 18, 1616.³³⁵ Bacon wrote to Villiers that he was glad that the honour had been conferred on Mompesson: He may the better fight with the Bulls and the Bears, and the Saracens' Heads, and such fearful creatures.³³⁶

Mompesson performed his duties with reckless audacity. He charged exorbitant fees, exacted heavy fines from respectable innkeepers for trifling neglect of the licensing laws, and largely increased the number of Inns by granting, on payment of heavy sums, new licenses to keepers of houses that had been closed on account of disorderly conduct. He thus acquired a very evil reputation,³³⁷ but his intimate relations remained unchanged with Villiers and with Bacon, who became Lord Keeper (March 7, 1616) and Chancellor (January 7, 1617).

At the end of 1619, Bacon frequently consulted Mompesson on matters affecting the public revenue, and on December 12 invited him to Kew in order to confer with him the more quietly.³³⁸ Meanwhile, in 1618, Mompesson's functions were extended. Early in the year a commission had been issued for the purpose of imposing heavy penalties on all who engaged in the manufacture of gold and silver thread without a special license, which the Commissioners were empowered to sell at a high price. On October 20, 1618, the punitive powers of the Commissioners were enlarged and their number increased by the addition of Mompesson. He at once set energetically to work, and threatened all goldsmiths and silkmen 'that they should rot in prison' unless they proved submissive. His activity satisfied the Court.

On February 19, 1619, Sir Henry Savile wrote that Mompesson and Sir Albertus Morton were acting as Clerks of the Council,³³⁹ and on November 9, 1619, King James granted the former the office of surveyor of the profits of the New River Company, with an annual income of £200 from the King's moieties of the profits.³⁴⁰ On April 25, 1620, he received a license to convert coal and other fuel, excepting wood, into charcoal.³⁴¹ But public feeling was running very high against him, and his re-election as MP for Great Bedwin in 1620 was quickly followed by retribution.

³³⁵ Nichols, *Progresses*, Vol. III. p. 227.

³³⁶ James Spedding, *Bacon Works*, p.102, Vol. VI.

³³⁷ Cal. State Papers, p.473, 1611-18.

³³⁸ James Spedding, *Bacon Works*, Vol. VII. pp. 68, 69.

³³⁹ Cal. State Papers, p. 16, 1619-23.

³⁴⁰ *Ibid.*, p. 91, 1619-23.

³⁴¹ *Ibid.*, p. 139.

On February 19, 1620, the House of Commons considered Noy's proposal to inquire into the procedure of all commissions lately created to enforce such monopoly-patents as those affecting Inns or gold and silver thread. Although that resolution was not adopted, a committee of the whole House opened on February 20 with an investigation into the patent for licensing Inns. Witnesses came forward to give convincing testimony of the infamous tyranny with which Mompesson or his Agents had performed the duties of his office.³⁴² The patent was unanimously condemned. Mompesson at once admitted his fault, and, in a petition which was read in the House on February 24, threw himself on the mercy of its Members, but his appeal was heard in silence.³⁴³

In a letter to Villiers, Mompesson promised to clear himself of all imputations if the King would direct the commons to specify the charges in greater detail.³⁴⁴ On February 27, Coke, when reporting the committee's decision to the House, declared Mompesson to be the original projector of the scheme, to have prosecuted no less than 3,320 innkeepers for technical breaches of obsolete Statutes, and to have licensed, in Hampshire alone, sixteen Inns that had been previously closed by the justices as disorderly houses.

Mompesson was summoned to the Bar of the House and rigorously examined. He endeavoured to throw the responsibility on the Lord Chancellor Bacon, and the judges who had declared the patent to be legal. Finally he was ordered to attend the House every forenoon, and to render his attendance, and was committed to the care of the serjeant-at-arms.³⁴⁵

The commons, at the same time, invited the Lords to confer with them respecting Mompesson's punishment. New charges against him accumulated daily, and his fears grew proportionately, whereas on March 3 he managed to elude the vigilance of his gaolers, and before the alarm were raised, were on his way to France. Notice was sent to all the ports to stay his flight; a proclamation was issued for his apprehension; he was expelled parliament.³⁴⁶

On March 15 the Commons sent up to the Lords a full account of Mompesson's offences, and on March 27 the Lord Chief Justice pronounced sentence upon him in the House of Lords,

³⁴² Gardiner, *Archæologia*, Vol. V. p. 42.

³⁴³ James Spedding, *Bacon's Works*, Vol. VII. p. 186.

³⁴⁴ Lords' Debates in 1621, Ed. Gardiner, Camden Society, p. 150.

³⁴⁵ Commons' Journals, p. 532.

³⁴⁶ *Ibid.*, Vol. I. p. 536.

to which the Commons were specially invited for the occasion.³⁴⁷ He was to be degraded from the order of Knighthood, to be conducted along the Strand with his face to the horse's tail, to pay a fine of £10,000, to be imprisoned for life, and to be forever held an infamous person.³⁴⁸ On March 30 a printed proclamation added, not quite logically, perpetual banishment to his punishment. A rare illustrated tract, entitled: *The Description of Giles Mompesson, late Knight, censured by Parliament the 17th [27th] of March 1620*, compared him to Sir Richard Empson, the extortionate Minister of Henry VII, and credited him with having filled his coffers with his ill-gotten gains.

The indictment against Empson had been examined by the Lords when they were proceeding against him, and a popular anagram on his name was 'No Empsons.'³⁴⁹ It is probable that Sir Giles Overreach, 'a cruel extortioner' the leading character in Massinger's *New Way to Pay Old Debts*, was intended as a portrait of Mompesson. The play was written soon after his flight.

Lady Mompesson remained in England, and her friends made every effort to secure revision for her out of her husband's estate, on July 7, 1621, the fine of £10,000 due from Mompesson was assigned to his father-in-law, Sir John St. John, and Edward Hungerford, together with all his goods and chattels, saving the annuity of £200 allowed him by the New River Company. That asset was reserved for Lady Mompesson and her child.³⁵⁰

In the same year Mompesson petitioned Charles I to recall him so that he might answer the charges alleged against him, and he bitterly complained of the comparison made between him and Dudley or Empson.³⁵¹ On February 17, 1622, Lady Mompesson presented a similar petition, on the ground that his presence in England was necessary to settle his estate, most of which was illegally detained by his brother Thomas.³⁵² Next day this application was granted for a term of three months, on the understanding that Mompesson should not appear at Court and should confine himself to his private business.

³⁴⁷ Lords' Journals, Vol. I. p. 72.

³⁴⁸ (a) Rushworth, *Historical Collections*, Vol. I. p. 27; (b) D'Ewes, *Diary*, Vol. I. p. 176.

³⁴⁹ Cal. State Papers, p. 238, 1619–23.

³⁵⁰ *Ibid.*, p. 273.

³⁵¹ Clarendon State Papers Cal, Vol. I. p. 25.

³⁵² Cal. State Papers, p. 419, 1619–23.

Later in the year 1623, Mompesson was not only in England, but was, according to Chamberlain, putting his patent for alehouses into execution on the ground that it had not been technically abrogated by parliament.³⁵³ On August 10, 1623, a new warrant gave Mompesson permission to remain in England three months longer on the old understanding that he should solely devote himself to his private affairs. On February 8, 1623, he was ordered to quit the country within five days. If he did so, he was soon back again. He lived till his death in retirement among his kinsfolk in Wiltshire.

viii. Bacon's downfall

James Spedding (editor and coauthor of Bacon's *Works*) had noted, that "Bacon never allowed himself to dispute the justice of the sentence to which he had undertaken to submit. But his confession contains his own judgment upon his own case; and though we cannot test it by comparison with the depositions upon which the judgment of the Lords was really based, and which he never saw, we can try it by its correspondence with some other facts not known to them; and their impression of the effect to those depositions will not be accepted as conclusive by those who have studied the rest of the proceedings during that and the two following weeks." Bacon never saw his charges as Spedding confirms; why should he then accept to confess to his guilt? He had no need to see any charges on bribery, if they were not the substance of his sacrifice, and just a mere screen for Mompesson and Villiers.

King's Warrant Touching The Lord St Albans Debts

Given At Our Court Of Newmarket

November 14, 1622

We do much commiserate the estate of our right trusty and well-beloved the Lord of St. Alban, having served us in so great place, and being one whom, howsoever he offended in judicature,

³⁵³ Cal. State Papers, p. 13, 1619–23, 1623–5.

yet in matter of counsel and our commission of treasure we found faithful and very careful and diligent, running courses entire and direct for the good of our service.

Being therefore informed from him that he is indebted, and that some of his servants likewise and near friends are engaged for him, of whom he hath no less care than of himself (which mind we commend in him), we do wish the times were such as we might free him at once by our liberality. But the times being as they are, as we have gracious intentions towards him, so in the meantime we have care of his subsisting and honour and quiet.

And therefore we do require you and every of you from time to time to treat with such creditors of his as he shall desire to make some reasonable and favourable composition of him and his sureties, letting them know that what favour and ease they shall do him in the composition shall be acceptable to ourselves: For which purpose we shall vouchsafe to take knowledge from you of such as shall be forward to perform our desire. And our will and pleasure is generally that by all good means you bring them to good terms of composition with him; which he shall take at your hands for service done unto ourselves.

Bacon died in the arms of Sir Julius Caesar; it is only among the fantastical tales of Aubrey where it is mentioned Bacon died at Arundel's estates. We have no such evidence. Neither of Bacon's funeral is there any account, yet Lovejoy states: "A few friends, faithful among the faithless, enthusiastic young disciples, among whom was Hobbes, the then budding philosopher of Malmesbury, Sir Thomas Meautys, his devoted chaplain Rawley, and servants whom adversity could not alienate, composed the [funeral] train which followed fallen greatness to its last resting-place."

The last resting-place referred to has always been supposed St. Michael's chapel in Gorhambury, where it is supposed Bacon was buried in the same grave with his mother. However, today's town officials differ on this and state no body of Bacon or of his mother is buried in that chapel.

King James
His Letter To His Trusty And Well Beloved
Thomas Coventry, Our Attorney General.³⁵⁴

Trusty and Well-beloved, we greet you well:

Whereas our right trusty and right well beloved cousin, the Viscount of St Alban, upon a sentence given in the Upper House of Parliament full three years since, and more, hath endured loss of his place, imprisonment and confinement also for a great time, which may suffice for the satisfaction of justice, and example to others, we being always graciously inclined to temper mercy with justice, and calling to mind his former good services, and how well and profitably he hath spent his time since his troubles, are pleased to remove from him that blot of ignominy which yet remaineth upon him, of incapacity and disablement; and to remit to him all penalties whatsoever inflicted by that sentence. Having therefore formerly pardoned his fine, and released his confinement, these are to will and require you to prepare for our signature a Bill containing a pardon in due form of law of the whole sentence; for which this shall be your sufficient warrant.

James ordered the above-mentioned full pardon of the whole sentence against Bacon to be prepared, but it was never signed due to James's death, which was rumoured to have been of a poisonous plaster that was submitted to him by Villiers's mother.

Response to the Pardon by Jo. Lincoln
October 18, 1621³⁵⁵

My very good Lord:

Having perused a privy seal, containing a pardon for your Lordship, and thought seriously thereupon, I find that the passing of the same, the assembly in parliament so near approaching, cannot but be much prejudicial to the service of the King, to the honour of my Lord of

³⁵⁴ *Scrinia Ceciliania*, (London: Middle-Temple Gate, 1654).

³⁵⁵ James Spedding, *Works*, Vol. VI. p. 293.

Buckingham, to that commiseration which otherwise would be had of your Lordship's present estate, and especially to my judgment and fidelity.

I have ever affectionately loved your Lordship's many and most excellent good parts and endowments; nor had ever cause to disaffect your Lordship's person: So as no respect in the world, beside the former considerations, could have drawn me to add the least affliction or discontentment unto your Lordship's present fortune.

May it therefore please your Lordship to suspend the passing of this pardon, until the next assembly be over and dissolved; and I will be then as ready to seal it as your Lordship to accept of it; and, in the meantime, undertake that the King and my Lord Admiral shall interpret this short delay as a service and respect, issuing wholly from your Lordship; and rest, in all other offices whatsoever.

Your Lordship's faithful servant,

Jo. Lincoln, Elect. Custos Sigilli.

Westminster College, Oct. 18, 1621.

"You cannot understand Bacon's position fully, without taking into account his views and feelings with regard to politics and philosophy;" Spedding had wrote. "The interests of his country and the interest of his kind. Because (however strange it may seem now-a-days that a man should devote himself to the public service from any other motive than private interest) I am convinced that if you could have seen into his mind during these years, you would have found that in the secret aspirations and positions of his heart these things were to those but as the means to the end; the advancement of his private fortune and blood name, the means; his end, the advancement of his kind among the creatures and his country among the nations." ³⁵⁶

³⁵⁶ *Evenings With a Reviewer or Macaulay and Bacon*, (1881).

APPENDIX D. PEACHAM SUPPLEMENT

The true state of the question whether Peacham's case be Treason or not

Written by King James

The indictment is grounded upon the Statute of Edward the Third that he compassed and imagined the King's death, the indictment then is according to the law and justly founded. But how is it verified? First then, I gather this conclusion that since the indictment is made according to the prescription of law the process is formal, the law is fulfilled and the judge and jury are only to harken to the verification of the hypothesis and whether the minor be well proved or not: that his writing of this libel is an overt act, the judges themselves do confess that it was made fit for publication, the form of it betrays the self, that he kept not these papers in a secret and safe fashion (manner) but in an open house and lidless cask both himself and the messenger do confess, nay himself confesseth that he wrote them at the desire of another man to whom he should have shown them when they had been perfected and who craved an account for them which though it be denied by the other party worketh sufficiently against the deponer himself. Nay, he confesseth that in the end he meant to preach it and though for diminishing of his fault he alleges that he meant first to have taken all the bitterness out of it that excuse is altogether absurd for there is no other stuff in or through it all but bitterness which being taken out it must be a quintessence of an alchemy spirit without a body, or popish accidents without a substance, and then to what end would he have published such a ghost or shadow without substance *cui bono* and to what end did he so farce (stuff) it first with venom only to scrape it out again; but it had been hard making that sermon to have tasted well that was once so spiced *quo semel est imbuta recens*.

But yet this very excuse is by himself overthrown again confessing that he meant to retain some of the most crafty malicious parts in it as &c. [sic] The only question that remains then is whether it may be rather libel of his he compassed or imagined the King's death; which I prove

he did by this reason, had he compiled a sermon upon any other ground or stuffed the bulk of it with any other matter and only powdered it here and there with some passages of reprehensions of the King or had he never so bitterly railed against the King and upbraided him of any two or three though monstrous vices it might yet have been some way excusable or yet had he spued forth all the venom that is in this libel of his in a railing speech either in drunkenness or upon the occasion of any sudden passion or discontentment it might likewise have been excused in some sort but upon the one part to reap up all the iniquities that the hearts of men or malice of the devil can invent against the King to disable him utterly not to be a King, not to be a Christian, not to be a man or a reasonable creature, not worthy of breath here nor salvation hereafter; and upon the other part not to do this hastily or rashly but after long premeditation first having made collections in scattered papers and then reduced it to a method in a formal treatise, a text chosen for the purpose a prayer permitted, applying all his wits to bring out of that text what he could *in malam partem* against the King.

This I say is a plain proof that he intended to compass or imagines by this means the King's destruction. For will ye look upon the person or quality of the man it was the far likeliest means he could use to bring his wicked intention to pass, his person an old unable and unwieldy man his quality a Minister, a preacher, and that in so remote a part of the country as he had no more means of access to the King's person than he had ability of body or resolution of spirit to act such a desperate attempt with his own hands upon him, and therefore as every creature is ablest in their own element either to defend themselves or among their adversaries as birds in the air fishes in the water and so forth what so ready and natural means had he whereby to annoy the King as by publishing such a seditious libel, and so under the specious pretext of conscience to inflame the hearts of the people against him.

Now here is no illation, nor inference made upon the Statute it stands *in puris naturalibus*, but only a just inference and probation of the guilty intention of this party. So the only line the judges can doubt of is of the delinquent's intention, and then the question will be whether if these reasons be stronger to enforce the guiltiness of his intention, or his bare denial to clear him; since nature teaches every man to defend his life as long as he may and whether in case

there were a doubt herein the judges should not rather incline to that side wherein all probability lies; but if judges will needs trust better the bare negative of an infamous delinquent without expressing what other end he could probably have, than all the probabilities or rather infallible consequences upon the other part, caring more for the safety of such a monster than the preservation of a crown in all ages following, whereupon depend the lives of many millions, happy then are all desperate and seditious knaves, but the fortune of this crown is more than miserable. *Quod Deus evertat.*

The historian Luders comments on James's above statement: "It is worth studying by an advocate who might have the task of straining a technical point of constructive treason against common sense. One can say that it is a pity James did not act up to his principles and let the law of treason form part of his 'King craft;' seven years previously in his speech to his parliament in 1607, he had said: 'The doing any act that may procure less reverence to the judges cannot but breed a looseness in the government and a disgrace to the whole nation.'"³⁵⁷

³⁵⁷ *Considerations on the Law of Treason.*

APPENDIX E. TORTURE SUPPLEMENT

Torture used for religious purposes

Camden, who has been described as the Strabo of England, is charged by Birch with suppressing and colouring the events of Elizabeth's Reign; but Camden's high reputation as a historian requires no vindication, and if Camden is not always correct, he certainly has not made any intentional misrepresentation of facts.

The use of torture, for the discovery of religious and political opinions, had its origin in a despotic design to enslave the minds of the people. The use of the rack was extensively practised by the chief powers of Europe in the sixteenth century. Even Henry VIII and the Protector Somerset had faith in the rack. It was Queen Mary of England who set aside this instrument of torture and many other modes of punishment only known to the Tower authorities. It would, however, have been well for her fame as a woman, and as a Sovereign, if she had also protested against the fanatical and cruel stake whose use has consigned everyone in connection with it to the ban of execration. It is doubtful, however, if the men who sat in the parliaments of Henry VIII and Edward VI would assent to a repeal of the Statute by which people were sent to the stake. The reformers high and low of the days of the Boy King were in favour of the stake as a punishment for those who dissented from the opinions they chose to express. The records of the times attest this fact clearly.

In the history of torture in the Tower of London during the Reign of Elizabeth, we find the name Edward Walgrave who was a member of an old family, and sustained Queen Mary's cause, by subsequently becoming a member of her household. Walgrave was marked out for persecution by the Privy Council. He refused to take the Oath of Supremacy to the new Sovereign Elizabeth, and was immediately committed to the Tower, where, according to Fitzigram (an official of the time) Walgrave remained for six months on a wretched filthy bed, half starved, and no medical attendant to inquire into his health. Nevertheless, he recovered,

when preparations were again renewed for his torture. He was examined before the law officers and government spies. The result of an inquiry was an order he be racked, which was carried out with “barbarous cruelty.” Four months subsequently he was once more racked.

Like other prisoners, Walgrave suddenly disappeared, but whether he escaped, or died from his sufferings, or fell by the dagger of a hired assassin, and was buried privately by night, it is impossible to ascertain. Several notable prisoners were found murdered in the Tower during Elizabeth’s Reign; and others were never heard of after they entered the ill-omened gate. The officials were always “open to a bribe.” At a later period, it was believed that Walgrave escaped from the Tower, and having reached Lisbon, he studied medicine, and became a physician. About the same period there resided in Venice a priest physician named Talbot, who also escaped the Tower. Another prisoner, Father Borde, of the Carthusian community, had also escaped the Tower and became a physician, and Sir Francis Inglefield, another of Queen Mary’s household, fled to Spain a few weeks after the death of his royal mistress. He was about to be committed to the Tower, and narrowly escaped in the costume of a Flemish musician, and actually performed at the house of Sir Nicholas Bacon, unsuspected by his enemies.

Elizabeth marked out for vengeance the unoffending domestics of her late sister. Some of those poor women were reduced to utter poverty. Five years later, King Philip II of Spain provided liberally for the wants of Queen Mary’s servants. Mary left ample funds with Elizabeth to discharge her domestic debts; and the new Queen pledged her honour for the fulfilment of every request named in the will of the deceased Monarch. How Elizabeth acted in this matter is not disputed by some writers; whilst others, with a lofty disregard for such a small matter as the character of a Queen in affairs of common honesty, are silent upon the subject. But Elizabeth, who was always moralising, revived the rack and other barbarous modes of infliction, which brand her name as a woman and a Monarch with odious notoriety. In fact, if we judge Elizabeth by the records of her actions, she was, with the exception of her father, the most despotic and the cruellest Monarch that ever reigned over the English Realm.

Just one more potent example since there is something peculiarly revolting in the fact that Elizabeth should have been callous to all the tender sympathies of the female character as to enjoin the application of torture to extort confession against the unfortunate servants of the

Duke of Norfolk. Here is the Queen's order respecting Bannister and Baker: "If they shall not seem to you to confess their knowledge, then, we warrant you to cause them both, or either of them, to be brought to the rack, and first to move them with, fear thereof, to deal plainly in their answers; and if that shall not move them, then you shall cause them to be put to the rack, and to find the taste thereof, until they shall deal more plainly, or till you shall think meet."

Two days subsequent to the date of the warrant, Sir Thomas Smythe writes to Burghley: "I suppose we have gotten so much as this time is likely to be had; yet, tomorrow do we intend to bring a couple of them to the rack, not in any hope to getting anything out of them by the fear or pain, but because it is so earnestly commended to us."

Some writers state that this was the only case of racking in Elizabeth's Reign; it is also alleged that the Queen knew nothing of it. Such assertions are contradicted by the State Papers of the period, and many other reliable documents. In fact, the Rolls of the Tower term with records of the cruelties that were inflicted in Elizabeth's time when persons were confined in cellars twenty feet below the surface of the earth; others had neither room to stand upright, nor to lie down at full length. Men were placed in Skevington's Irons till they fainted. And again, an iron instrument was used, where the head, feet and hands were bound together. Many were fettered and bolted in this manner; while others, still more unfortunate, had their hands forced into iron gloves that were much too small, or were subjected to the excruciating torture of the boot. These cruelties were suggested by Sir Thomas Smythe and Walsingham, with the full approval of Elizabeth.

Sir John Harrington follows in the track of Hatton, when he describes Elizabeth as humane, gentle, and a kind of model woman. At other times Harrington spoke in no nattering tones of his royal godmother. However, the despatches of the foreign ambassadors draw a terrible picture of the poor victims when carried from the rack, and related by Courtiers, who came to see with their own eyes, and to report to the Queen how the traitors liked the taste they received for a beginning.

On one occasion, Elizabeth asked Burghley if some more terrible mode of torture or death could be devised for those who refused to deny her supremacy or plotted against her life. The astute minister assured his royal mistress that the law was strong enough to have the required vengeance; he would, however, see that the gaolers did their duty promptly. Neither could one

suspect that Burghley had the smallest sympathy with the people who were racked, beheaded, or quartered.

At a later period of Elizabeth's life, in the year 1601, she seemed to rejoice at beholding the mangled remains of her victims. Holding the French envoy, De Bironif, by the hand, she pointed to a number of heads that were planted on the walls of the Tower, and next conducted him to London Bridge to witness a similar exhibition, and told him that it was the way they punished traitors in England. Not satisfied with calling his attention to this ghastly scene, she coolly recounted to him the names of all her subjects whom she had brought to the block, and among those she mentioned the Earl of Essex, whom in her old age she ruined. This Queen could not cross London Bridge without recognising the features of good and loyal men whom she had consigned to the headsman, while the quartering of bodies presented another revolting sight in many parts of London.

Henzer, and other foreigners, have commented on such scenes with indignation. Henzer affirms that he counted on London Bridge no less than three hundred heads of persons who had been executed for high treason. "This was melancholy evidence, that Elizabeth in her later years, had flung the dove from her sceptre, and exchanged the harbinger of peace for the sword of vengeance." Wrote Strickland. In Kishton's *Diary*, the condition of the Tower, under what many historians style the mild government of Elizabeth, can be seen in with complete detail, and I recommend it to the student interested in this period.

In 1578, Whitgift, then Bishop of Worcester, was commanded to use torture to force answers from Catholics suspected of having heard Mass. Whitgift was quite capable of persecuting, without the royal command. On one occasion he requested Burghley to "pack a certain priest till he gave the names of those who went to confession to him." But Burghley spurned the request with indignation.

Robert Johnson, a Shropshire priest, was racked three times at the Tower. He was subsequently hanged, drawn, and quartered. William Filbie, an Oxford cleric, was six months pinioned with heavy iron manacles in the Tower. He was twice racked, and fainted under the operation three times; when informed that he was to be led to execution in three hours, he lifted up his hands, and exclaimed: "Thanks to my good Redeemer, my sufferings are near the end."

In De Burgh's *Hibernia Dominicana* an account is given of the treachery which Elizabeth exercised in 1602 one year before her death; she is supposed to have allowed license for a ship full of Benedictines, Cistercians and Dominicans, forty-two in number, to enter with safe conduct out of Ireland toward England; however, the ship was deliberately shipwrecked off Scatterry Island, near the mouth of the Shannon. There were no survivors.

So much for Hatton's "facts" when confronted with the records of the times. The majority of our English historians are silent as to those dark deeds of Elizabeth and her Privy Council. The reasons are obvious. The State Papers and records of those despotic times are now at hand, and it is impossible to present false portraits of Elizabeth and her ministers any longer. The reader is aware of what Frazer Tytler stated many years back as to the history of Britain: "The greatest historical heresy that a writer can commit in the eyes of many English readers is to tell them the truth." This feeling is now, however, vanishing from historical relations, and the English reader will accept as correct portraits, what would have been received one hundred years ago with a storm of indignation as a false impeachment, though not much changed in King James's era, as seen in a few extracts from personal correspondence of the times.

Correspondence between John Chamberlain and Dudley Carleton-February 26, 1611 ³⁵⁸

"One Legat, an Arian, being sentenced and excommunicated in the Consistory, was delivered over to the sheriffs, but we hear not yet of his execution. He hath been long forborne and mildly dealt withal, but continuing obstinate, and holding thirteen heretical positions against the divinity of our Saviour Christ, the King would have the bishops proceed against him; and though some lawyers are of opinion that we have no law to execute heretics, and that whatsoever was done in that kind in Elizabeth's time was done *de facto*, and not *de jure*; yet he will adventure to burn him with a good conscience." ³⁵⁹

³⁵⁸ Thomas Birch, *The Court and Times of James the First*, Vol. I. 1848.

³⁵⁹ Birch: "The goodness of the King's conscience is not so clear to us."

Correspondence between John Chamberlain and Dudley Carleton-December 4, 1611 ³⁶⁰

“Two notable causes possessed the Star Chamber almost all this long term. The first was followed by Sir John Levison against one Shepherd and his confederates, for the counterfeiting a deed of Sir Walter Levison’s lands, which was the cause so much bolstered up by the last Lord Treasurer. Shepherd was condemned to stand in the pillory and lose his ears, be marked in the face, his nose slit, and I know not what else. Sir Anthony Ashley had likewise the honour of the day one Hannings and another being adjudged to the like punishment, which was executed the next day. But one Hampton, an old cunning companion, being in the same condemnation, absents himself, and cannot be heard of. Sir James Creighton was adjudged to imprisonment during the King’s pleasure, and to pay £1,000. There was some mention likewise to have him banished, but my Lord of Exeter thought it needless, because, unless he had a face of brass, he made no question he would banish himself.”

Correspondence between John Chamberlain and Dudley Carleton-March 25, 1612 ³⁶¹

“On Wednesday, Legat the Arian was burnt in Smithfield, very early; he said little, but died obstinately. There was another fanatical felon condemned for blasphemous heresies, and sent down to Litchfield, where he was to be burnt as on Friday last, if he have not recanted.”

Correspondence between John Chamberlain and Dudley Carleton-May 20, 1615 ³⁶²

“There was one Ogilvie, a Jesuit, lately executed at Glasgow, in Scotland, for the same or such like opinions.” ³⁶³

Correspondence between John Chamberlain and Dudley Carleton-July 6, 1616 ³⁶⁴

“There was a seminary priest hanged at Tyburn on Monday that was banished before, and, being taken again, offered to break prison. That morning early, there was a joiner’s wife burnt

³⁶⁰ Thomas Birch, *The Court and Times of James the First*, Vol. I. 1848.

³⁶¹ Ibid.,

³⁶² Ibid.,

³⁶³ Birch: “These bold spirits were showing themselves with an ominous frequency and audacity, notwithstanding torture, ‘by express command of the King,’ and death entirely by his Majesty’s influence over the judges, were employed to silence them.”

³⁶⁴ Thomas Birch, *The Court and Times of James the First*, Vol. I. 1848.

in Smithfield for killing her husband. If the case were no otherwise than I can learn it, she had *summum jus*; for her husband having brawled and beaten her, she took up a chisel, or some such other instrument, and flung at him, which cut him into the belly, whereof he died. Another desperate woman, coming from her execution, cut her child's throat, alleging no other reason for it, but that she doubted she should not have means to keep it. The same day likewise, another woman poisoned her husband, about Aldgate. And divers such like foul facts are committed daily, which are ill signs of a very depraved age, and that judgments hang over us."

APPENDIX F. ENGLISH MARTYRS IN THE TIME OF ELIZABETH

i. Introduction

“The worst crime of the Elizabethan persecutors was their hypocrisy.”

—Camm³⁶⁵

The Martyrs of 1570 to 1572 were Felton, Storey, Woodhouse and Percy, whose deaths were connected in one way or another with the rising or the excommunication; we see that their causes involve many more problems than the lives of other martyrs. One might, for instance, discuss their patriotism in so far as they championed the old order, which was being subverted by a monstrous exercise of royal tyranny; furthermore, we may draw out parallels between them and others, such as Hampden, who is commonly beclouded as champion of popular resistance to the encroachments of the crown, and the comparison would be greatly in favour of the Catholics. But here we are only concerned with the precise question of their martyrdom: Were they executed out of the motive of hatred of the faith? Were they persecuted for professing the faith, or for performing some act intimately connected with that profession? On these points, too, this group of martyrs is somewhat exceptional and worth giving as a final part of this work.

The Machiavelli of the period was Sir Francis Walsingham. He was not indeed so original or so powerful a man as Burghley, but he accepted Burghley's policy, and exceeded him in fanatical earnestness, an earnestness which hardened him against scruple and pity. His object was to keep the Queen and the Realm in a state of alarm, until the “bosom serpent” as he called the Scottish Queen, had been killed and the Catholics were utterly crushed. Walsingham and the Earl of Leicester were labouring for this end during the period covered in this Appendix, and a year or two later they succeeded in accomplishing their purpose.

Walsingham's plans were assisted by various errors on the part of the Catholic politicians. The gravest of these was the expedition to Ireland of 1579, in which Pope Gregory himself was

³⁶⁵ *Lives of the English Martyrs*, (1914), Vol. II.

compromised. Elizabeth's pirates and her policy in Flanders had enraged public feeling against her on the Continent, and when two adventurers, Thomas Stukely (an Englishman) and James Fitzgerald (an Irishman), asked for a small force of ships and men, with which to vex her in Ireland, they were received with friendly neutrality both in France and Spain, and the good-natured, but impolitic Gregory furnished them with vessels and munitions of war. Stukely perished without achieving anything, but Fitzgerald succeeded in landing in Ireland, where he lit up a Civil War which lasted for some time. He was accompanied by a notable English churchman, Dr Nicholas Sander, who went, not exactly as a Papal Nuncio, but at least as some sort of Papal representative. This expedition caused Elizabeth much annoyance, and some passing fears, but no serious alarm, and, as we see from the French Ambassador's dispatches, she affected to despise the whole enterprise.

It must be remembered that the manners of the times were very hard and very rough, and that torture was in use in most, if not in all other countries. What aggravated the abuse was that the English law clearly forbade it altogether; and that Englishmen were even then naturally inclined to humanity, and not liable to fits of violent anger, to scares, to morbid fanaticism, which have general occasioned the application of torture abroad. Nor had public feeling been brutalized by prolonged war or any pressing danger of it. The tortures were applied calmly by the Privy Council warrant, in order to win evidence that would bolster up the monstrous fiction that the Catholics were traitors by reason of their religion.

ii. The bloody question

A matter somewhat difficult to explain is a method of defaming victims which was afterwards regularly known as that of "the bloody question." To understand it, one must bear in mind that while the martyrs were freely accused of being traitors, when they were tried for such charges however slight and one-sided the inquiry might be, their innocence of treason was always more manifest than before. An attempt was therefore made to draw from them some expression of opinion which would cause an outcry against them, and under its cover to proceed to their actual execution. They were confronted with catch questions, the first of which would be more or less in this form: "Would you not accept freedom for yourself and your

church if you could?” The examinee was bound to answer this in the affirmative, under pain of condemning himself as irrational. Then came the insidious sequel, “would you accept it from a Papal force?” Then there was no escape from offending the prejudices both of the Queen and of the Puritan mob. It was no use to say that you would fight against the Pope when he was the unjust aggressor, for the Puritans considered him as the Antichrist, always to be resisted, and Elizabeth held that neither the church nor conscience had any liberties which could be justly defended against her. When the martyrs were put to death on a definite charge of treason, these questions were intended, not to test their fealty, but to obscure it, and to ensure that the fanatical crowd, who heard the answers that were read from the gallows, should misunderstand their case and drown the voices of sympathizers by clamours for their blood.

A. Felton's Martyrdom

In the Europe of the sixteenth century there were still Catholic powers who might be ready to execute the sentence of deposition which was in those days the corollary of the excommunication, and the insurrection which Elizabeth had just quenched in blood; it was proof that a Protestant and persecuting government did not as yet rest on a secure basis in England. It is easy then to understand the sensation created in London when, with the morning light of Thursday, May 25 (the feast of Corpus Christi), the Bull of Excommunication was found fastened to the gates of the Bishop of London's palace beside St. Paul's Cathedral.

Vigorous steps were at once taken to find out the doer of this daring deed. A general search of known Catholic houses in and near London was soon rewarded by the discovery of a copy of the Bull in the chambers of a lawyer in Lincoln's Inn, a well-known Catholic. He was absent at the time, but was soon arrested; and since the methods of Elizabeth's Reign were unceremonious, he was racked without any tedious forms of law, and under pain confessed that he had received the copy from his friend, Mr. Felton.

A Spanish spy, Don Antonio de Guaras, wrote on June 17, 1570: "The declaration of the Pope against the Queen has been posted on the Bishop of London's gate, which has caused great sorrow to the bad people and much delight to the godly, who are convinced that as a consequence of it, a redress for their evils will follow by the arms of Christian Princes, since this declaration can only have been made by the consent of such Princes, and especially of his Majesty. The first results of the declaration had been the persecution and imprisonment of Catholics; but the Council finding them constant, and that some people of position were passing over to Spain and Flanders to escape the ban of his Holiness, the Queen had ordered that the Catholics should not be persecuted for their religion. This however was only the result of fear, as her heart is much corrupted, and she herself had answered the Pope's declaration in Latin verse, scoffing at the Apostolic authority, saying that the boat of St. Peter should never enter a port of hers, and other heresies of a like nature."³⁶⁶

³⁶⁶ Spanish Calendar 1568 1579, p. 251.

Felton's daughter, in a manuscript still extant, declares "the danger of such an employment which he [Felton] took for an act of virtue daunted him not a whit. Whereupon promising his best endeavours in that behalf, he had the Bull delivered him at Calais, and after the receipt thereof came presently to London, where being assisted with one Lawrence Webb, doctor of the Civil and Canon laws, the five and twentieth day of May 1570, betwixt two and three of the clock in the morning he set it upon the gate of the Bishop of London his palace."³⁶⁷

Lawrence Webb was ordained priest in Queen Mary's Reign, and on Elizabeth's accession he went abroad and was one of the most respected of the exiles. He was for many years professor of Moral Theology and Sacred Ceremonies at Douay and Rheims, and after keeping his full jubilee of priesthood, died at Douay on January 14, 1608.³⁶⁸

The trial of Felton's constancy was not long delayed. Both at his apprehension and at his trial he said he would save all further trouble by acknowledging that it was he who had posted up the Bull, and also that as he held the Pope to be the Vicar of Jesus Christ on earth, if it really came from him it ought to be duly venerated. But in spite of his open acknowledgment of the act, he was three times racked with the vain hope of extracting from him admissions which might compromise others. A period of over two months followed, during which every effort was made to "bolt out" the truth about his communications with the Spanish Ambassador, Don Guerau de Spes. This spy must not be confounded with the spy, Antonio de Guaras; the latter was a banker or merchant living in England, who corresponded with the Duke of Alba, and after the expulsion of the Ambassador in December 1571, was instructed to look after Spanish interests informally.³⁶⁹

It is clear that nothing was discovered from Felton which would enable Elizabeth's government to treat him as a mere political offender. We can also see this from the pamphlets published under their inspiration, which show that the motives for condemning him to death were mainly religious. Moreover, we have now access to a considerable number of the Spanish Ambassador's papers, and from these it is clear that Felton had nothing to do with the

³⁶⁷ This manuscript is preserved in the archives of the See of Westminster, Vol. II. p. 3. It is headed *Ex relatione D. Franciscæ Salisburie filie ipsius Martyris, accepta ab ejus ore per G. Ferrarum, Presb. an. 1627*. An English translation of the document has been printed in Pollen's *Acts of English Martyrs*, pp. 208, 212.

³⁶⁸ Dodd, Vol. II. p. 382.

³⁶⁹ See Hume's Introduction to Spanish Calendar, (1568-1579).

procuring of the Bull, or with any conspiracy against the government. It is also evident that Felton was not animated by any personal ill-will to the Queen, but solely with the desire that justice should be done against the factors of heresy. His motives and his action were in accordance with the ideas that had so long been current in Europe, and which were still held, by men who did not dare to confess their opinions.

It is pretty certain that Felton received the Bull from Ridolfi, a man who was subsequently involved in intrigues of secrets and was not deemed such a commendable character; but it is clear that these intrigues were the result of Elizabeth's cruel persecution of the Catholics, and not in any sense the occasion, and still less the justification of her repressive measures. Nor is there the least ground for supposing that Felton was implicated in any blame which Ridolfi may really deserve. The negotiations which have brought discredit on the latter took place in Spain, a year after Felton's death. Dixon (historian) says that the Bull was received or brought from abroad by Peter Berga, the chaplain of Don Guerau de Spes (Spanish Ambassador) who was by birth a Catalan and prebendary of Tarragona.³⁷⁰ There is also Gabutio, another historian, who says that the Bull got into England through Ridolfi, from whom Felton, among others, got a copy, and that many were put to death for making copies of it.³⁷¹

Regardless who first gave the Bull to Felton, his trial took place on Friday, August 4, 1570, at the Guildhall. There could be no doubt about the result, for he openly acknowledged the act with which he was charged. But he took advantage of the occasion to make public declaration of his faith in the Supremacy of the Holy See, or in the language of the persecutors, "most traitorously denied the Queen's Supremacy with other heinous and traitorous words against the Queen's Majesty, not worthy to be rehearsed."³⁷² Felton's martyrdom was consummated on the following Tuesday, August 8, 1570.³⁷³

Felton was bound upon the hurdle (or dray) and brought to the place of execution. On the way, he recited the Penitential Psalms. As they turned into St. Paul's Churchyard, they came in

³⁷⁰ Vol. VI, pp. 270, 272 (Footnote).

³⁷¹ Vita Pii Quinti, p. 104.

³⁷² J. Partridge, Imprinted at London, by Rd. Johns and Tho. Colwill, 1570. Reprinted in Cobbett's *State Trials*, Vol. I.

³⁷³ Spanish Calendar, p. 267, Antonio de Guaras: "The day and the hour of the execution were unusual ones for fear of the people."

view of the scaffold, which had been erected facing the Bishop of London's gates; on the scaffold were arrayed all the instruments of the butchery that was to be done: the grim gallows, the fire into which his bowels were to be cast before his eyes, the butcher's knife that was to do its cruel work upon his body, the cauldron in which his limbs were to be half-boiled, and the quartering-block.

B. John Storey's Martyrdom

John Storey's life has many points of resemblance with that of Sir Thomas More. Like More, Storey was a layman and a married man, and yet both were attached by close bonds to an ancient religious order; like More, Storey was an Oxonian, and shed lustre on his University both by his learning and his saintliness; like More, Storey adopted the legal profession, and rose to great eminence in it, and like More, had to suffer (though to a still greater degree) from the posthumous attacks of Foxe and other Protestant writers for his cruelty to the heretics.

Storey was born about the year 1504 and was the son of Nicholas Storey and Joan his wife. It is almost certain that he was a member of a family settled in Northumberland and Durham, and connected with the Selby family.³⁷⁴ He was committed to the Fleet prison on May 20, 1560. At the same time, Watson (Bishop of Lincoln), Feckenham (Abbot of Westminster), Cole (Dean of St. Paul's), and Chedsey (Archdeacon of Middlesex) were sent to the Tower.³⁷⁵ The offence with which they were charged was: "Having obstinately refused attendance on public worship, and everywhere declaiming and railing against that religion which we now profess."³⁷⁶ In the words of Foxe: "Elizabeth, staying the bloody sword of persecution from raging any further, caused Dr Storey to be apprehended and committed to ward, with many other, his accomplices, sworn enemies to Christ's glorious Gospel."

It was around the same time that De Quadra, the Spanish Ambassador to the Court, in an extraordinary letter written from Windsor to the Spanish King Philip II, on September 11, 1560, bears evidence to some rumours in the following words: "He [Burghley] ended by saying that Robert [Leicester] was thinking of killing his wife, who was publicly announced to be ill, although she was quite well, and would take every care they did not poison her. The next day the Queen told me as she returned from hunting that Lord Leicester's wife was dead, or nearly so, and begged me to say nothing about it. Since writing the above, I hear the Queen has published the death of Leicester's wife and said in Italian, 'She broke her neck.'"

³⁷⁴ Pollard, in the Dictionary of National Biography, gives the date of Storey's birth as 1510; but at his death it was said he was sixty-seven years of age.

³⁷⁵ Machyn, p. 235.

³⁷⁶ Jewel to Peter Martyr (May 22, 1560), Zurich Letters, First Series, p. 79.

In Fleet prison, Storey found other confessors in chains: Dr Cuthbert Scott (Bishop of Chester) had been committed prisoner there a week before (May 13) and Dr Nicholas Harpsfield and other dignified ecclesiastics shared with him the miserable accommodation of the prison. In those days prisoners who desired the common decencies of life had to pay heavily for them, and we find, from some constitutions drawn up for the government of the Fleet prison in this very year, that the prisoners who had a bed to themselves, had to pay for board and lodging more than £1 a week.

We do not know how long Storey was confined in the Fleet at this time. Sander says he spent some years in prison. All we know is that by some means or other he escaped for a time, for we find that he was recaptured in April or May of 1562. This we learn from a letter of Parkhurst's (Bishop of Norwich) to Bullinger May 31, 1562: "Storey, that little man of law and most impudent Papist, has been arrested in the West of England in a Courtier's dress."³⁷⁷

Storey was thrown into the Marshalsea prison this time, where among his fellow-prisoners was his old master, the Bishop of London. His enemies meanwhile sought for a legal pretext to put him Storey to death. Nor had they long to wait. Early in the next year, parliament passed a new Act authorizing the Protestant Bishops to require the Oath of Supremacy from anyone who had held office in the last three Reigns, and made the penalty of the first refusal perpetual imprisonment, and of the second, death.

It seems peculiar that Storey escaped a second time, and lay low for some time in the houses of his friends in Belgium, and took up his quarters in Louvain. On April 7, 1570, we find a spy writing to Burghley: "Storey remains at Brussels and has continual access to the Duke of Alva, and was lately rewarded with 250 Crowns."³⁷⁸ And again on April 16: "The Duke of Alva has delivered to Storey of the benevolence of the King of Spain 1,000 Crowns to be distributed among the scholars at Louvain and Douay. The religious men and women in this country (being English) are appointed to receive 10 Crowns a piece."³⁷⁹

In the meantime, Elizabeth, Leicester, and Burghley laid the following plot to entrap Storey: The King of Spain and the Duke of Alva had recently appointed an office at Antwerp

³⁷⁷ Zurich Letters (No. 48). The words are "more aulico," which have been translated "in his barrister's robes."

³⁷⁸ Foreign Calendar (1570) No. 803.

³⁷⁹ *Ibid.*, No. 811.

for the search of all English ships going into or coming out of that port, in order to prevent the traffic in heretical books and other forbidden merchandise. The English government, hearing of this, saw in it a means of wreaking their vengeance upon Storey. “One William Parker, brother of Elizabeth’s new Archbishop, a wool-draper, a man well skilled in mercantile affairs, was largely bribed by the Privy Council to go to the Low Countries to the Duke of Alva, and professing himself a fugitive from England, and a convert to the Catholic faith, to solicit the office in question. The Duke, rejoicing beyond measure in having such a near relation to the chief spiritual heretic in England for a convert and refugee, and withal a man so skilled in mercantile affairs, gladly conferred on him the office he asked for. As soon as he was installed, he named as his assistant Storey who was living in great poverty at Louvain. He considered it his duty to his family to accept the office, against the wish of his friends, who told him it was an odious one, and unworthy of a man of his position. Thus the first part of the plot was successful.” This information comes from Simpson (historian), where he adds that the relationship of this Parker to the Archbishop is affirmed in a marginal note attached to one of his letters to Burghley, and can be found in the Record Office. The historian Strype however, does not mention William as one of the Archbishop’s brothers, probably because he was a “Popish lost sheep” as he (not knowing the plot) would consider him. Many of the Archbishop’s near relations were connected with the wool trade, according to Strype, and his father’s name was William; it was therefore a family name and family trade.

The second part of the plot was soon to follow, and proved to be a most audacious act of vindictive and illegal treachery. It seems that a certain John Mershe, one John Lee, and a man named Saltanstall were spies for Burghley in the Low Countries. They were spies in Burghley’s pay, pretending to be good Catholics in exile for the faith, and reporting to their chief all that they could worm out of the confidence of the Catholic refugees, or that their malignant ingenuity could invent against them. Great numbers of these refugees were now collected in the Low Countries under the protection of their former Sovereign, the Spanish King. Some of them, like Storey himself, despairing of England after the failure of the Northern Rising, seem to have become naturalized as Spanish subjects. Priests, lawyers, Knights, Peers, ladies, representatives of all sorts and ranks were there, united by a common

faith and a common suffering. Victims all of them of Elizabeth's tyrannical laws, they preferred to serve God in exile rather than stain their consciences by apostasy from the faith.

Among the more prominent of these exiles were the Earl of Westmoreland, the Countess of Northumberland (wife of Thomas Percy), the Nortons, and Leonard Dacre; all leaders of the Rising in the North. John Fisher had besought the Emperor through Chapuys, the Imperial Ambassador, to invade England in the time of Henry VIII in order to preserve the Catholic faith in the land, and we cannot wonder (especially now that Elizabeth had been excommunicated by Pius V) if English Catholics in their distress looked to that Emperor's son to be the champion of their proscribed religion. There is no proof however (except the mere assertion of his bitter foes) that Storey was in any way implicated in any plot against the Queen or her government. As we shall see, the indictment brought against him at his trial did not venture to charge him with any specific treasonable act, but merely, in the usual vague way, of "conspiring the death of the Queen" just as in the case of Edmund Campion and his companions. The real cause of the hatred against him was his well-known zeal for the old religion. Among this company of Catholic exiles moved the spies whom Burghley's gold had bought body and soul. Feigning themselves to be devout Catholics, living lives of continual sacrilege and of unspeakable treachery, they wove their dark plots for the destruction of those who trusted and befriended them.

The plan conceived against Storey in Burghley's crafty brain, to be carried out by these spies, was no less than to kidnap Storey while he was discharging the duties of his office and carry him over to England. Mershe and Lee, in conjunction with Parker and a certain Pigotte, arranged a ship sufficiently manned and armed for the purpose; it should enter the port of Antwerp, and then Storey should be induced to visit it for prohibited goods which were to be placed in her. The plan nearly failed owing to the indiscretion of Pigotte, and the information of one of the sailors, who suspected the plot and ran away, and afterwards told Parker to take care of himself, thinking that he was the victim and not a partaker in the conspiracy. However, three merchants trading to the Low Countries (Roger Ramsden, Martin Bragge, and Simon Jewkes), allured by the bribes of the Privy Council, were found ready to undertake the dangerous enterprise which Pigotte had mismanaged. They arranged with the captain (Cornelius Van Eycke) and settled that this time the point of departure should be Bergen-op-

Zoom, opposite Zeeland, about thirty-five miles north of Antwerp. The plan was that as soon as Storey and Parker should go under the hatches to search the cargo, the hatches were to be shut down, and the two conveyed to England; nobody knowing at the time the complicity of Parker but Mershe and Lee who, under the English government, were the chief conspirators.

This was accordingly acted upon, and was perfectly successful. Storey landed at Yarmouth on the evening of August 14, 1570; Burghley had got his enemy into his clutches again, and this time he would take care he did not escape. Storey wrote to Burghley from Yarmouth the morning after his landing as follows: "In first proof that I am personally present in this the Queen's Majesty's town of Yarmouth, I am bold to scribble unto your honour these presents. The circumstances of my apprehension on water by Zeeland, this bearer and his company, diligent and yet merciful, can better declare than myself, deceived by my simple and yet foxy skipper, can but by conjecture declare. If it shall stand to your pleasure to have me restored to my keeper, from whom like a very wreckling I did escape, then it is my humble suit unto her Majesty and your honour so to temper the yet continued heat of my said keeper, that he content himself with laying on irons on that of my legs which is only able to bear the same, until your leisure may serve to call the corpus before you, or so with charity to dispose the same, now much decaying and decayed, by competent lodging, that it perish not *ante tempus a Deo præfixum*. If any pre-occupation have been used with your honour of me by Mr. John Mershe, late at Brussels, or Mr. Thomas Palie, now turned an illegal Jesuit, it may yet like you *audire alteram partem*, in which your doing."³⁸⁰ This letter was sent up to London by Parker and Simon Jewkes, as we learn from the following items in the bill of expenses which was afterwards to form such a bone of contention. Parker was of course a nominal prisoner and Jewkes the keeper.

Paid at Yarmouth for three horses and a post, sent up with Parker and Simon Jewkes £214.

Paid them in their purses, to bear their charges to London and to the Court £300.

³⁸⁰ R.O. Domestic, Elizabeth, Ixxiii. 18.

Parker however broke down on his journey when he got to St. Albans, and sent Burghley the following letter: “Not long since your Honour was advertised from Yarmouth of the arrival of Dr Storey, brought from beyond the seas by me and my supports, or assistants, the 14th of this instant, about eight of the clock in the afternoon; since which time I have been travelling towards your Honour, with whom my hearty desire is to have conference of those things which in these affairs doth appertain; but being a man not much used to travel, I have over-travelled myself, so as yet I could not attain to the presence of your Honour, and also not having any determinate time to have any access to your Honour, which I require, if it may stand with your Honour to signify the same by the bearer hereof, and then shall I give my diligent attendance at all times, according to my bounden duty herewith. The Almighty have your Honour in His blessed tuition. From St. Albans, this present night, August 18, 1570. By your honour’s obedient during life.”³⁸¹

Roger Ramsden and the rest set off with their prisoners after a three days’ stay in Yarmouth, having received a strict injunction to let Storey speak to noone. So rigorously was this injunction observed, that one bailiff (Gosling) got into trouble for supplying the prisoner “with kersey to make hose of.” Storey was most probably imprisoned in the ancient Toil House, a picturesque medieval building that contains several dungeons. The following bill supplies us with considerable information.

“Paid for five more horses when we came up and to the post for his pains, and for bringing up our mails and other things £3. 10. Paid for our charges at Yarmouth the space of three days with the Doctor Parker and the rest so long as they were in our company, as also that which was spent upon the master and mariners £3. 15. Paid for all our charges from Yarmouth to London £5. 10. Paid for our charges here in London to August 26, 1570, with our horse meat the first night £13. 2. Paid for one to help to bring up the hoye from Yarmouth to London because the master came up with us £0. 10.”

³⁸¹ R.O. Domestic, Elizabeth, Ixxiii. 21.

Storey arrived in London on August 21, 1570. His capture naturally caused great excitement and unbounded joy among the heretics. The Spanish spy, Don Antonio de Guaras, wrote on August 20, 1570, to Zayas: "I wrote to your worship on the 16th and the news since then is that they have enticed Dr Storey, whom you will know, on board a ship in Flanders, and have brought him hither. He was betrayed by a false companion of his, [Parker] a treacherous Englishman, and an acquaintance of mine met the traitor on the 16th instant coming from Yarmouth whither Storey had been taken. My acquaintance seeing the traitor alone was surprised that he should be here; the latter said, 'I have come hither to do the Queen a great service for I have managed to bring into England a bitter enemy of the Queen and this country.' It is now understood that Dr Storey will arrive here a prisoner tonight or tomorrow." In a letter written three days later, the Ambassador adds: "These people in London are only talking of the martyrs they are going to make."

The jubilation of the Protestants may be judged from the following letter of Bishop Horn of Winchester written to Bullinger a year later (August 1571): "There was here not long since a Doctor of Laws, of some learning, such a one as I imagine as those among the Jews who menaced Christ with death. His name is Storey, a man as it were born for cruelty, a most raging persecutor in Marian times to whom it was gain to kill the saints and sport to shed blood. This man after the happy day had shone on us was thrown into prison on an evident charge of treason. A short time afterwards, he escaped to Flanders, where like a fury fresh from hell, or more truly like a wicked Davus, it is wonderful how he made mischief. There comes to him one of his friends, whose fidelity he least suspected, but who had been suborned by the merchants. This man whispers in his ear that a ship has just arrived from England with I know not what golden mountains of treasure. Fired with the love of plunder, he straightway sallies forth, promising the money to himself and death to the merchants. After he had entered the ship and was prying about in every corner, and had just gone down into the interior of the vessel, they suddenly closed the hatches, and with their sails set, are carried by a prosperous and safe breeze to England. And so at length he was brought to London amidst the great congratulations of the people awaiting him on his return."³⁸²

³⁸² Zurich Letters, First Series (No. 98).

By this letter, it is evident that even Horn did not know that Parker had been sent to Flanders for the very purpose of kidnapping Storey. But it is also evident that Horn cared little for accuracy.

The Privy Council ordered Dr Watts (Archdeacon of London) to take care of Storey till the Lollards' Tower could be ready for his reception; for no common prison would do for such a man, after escaping twice. Lollards' Tower was not that at Lambeth Palace, commonly so called, but a tower attached to St. Paul's Cathedral, where heretics who came under the Bishop of London's jurisdiction were confined: "At each corner of this West End [of St. Paul's] was a strong tower of stone, made for Bell-Towers, one of them, viz., that next the Bishop's Palace, was used by the Palace in Stow's time, and the other, toward the South, was called the Lollards' Tower, and used as the Bishop's Prison, for such as were detected for opinions in religion contrary to the faith of the church." ³⁸³

Lord Cobham wrote to Burghley how in his "poor opinion no common prison is fit for him, [Storey,] for he shall find too many friends." And Simpson comments that "no, the man who might have put Burghley and Leicester, and Elizabeth herself to death, and had only put them in fear, was not to be allowed the use of friends. He was to have no common prison, the vindictiveness of the Court faction was to ape the vengeance of God, and Dr Storey was to be punished by that wherein he had sinned. The Lollards' Tower, in which he shut up the heretics whom the ancient laws then punished, was to be new-locked and bolted to shut him up."

On August 26, 1570, Archdeacon Watts wrote to Burghley that on the Friday evening last Storey had been brought to his house "albeit I am very unmet and unprovided for such a charge. The Lollards' Tower should be made ready for him, the locks and bolts having been broken off its doors at the death of Queen Mary and never repaired since." Watts plaintively adds: "My house is so weak, that I am forced to get men to watch every night, which is a great trouble to me; and the care that I have of his safe keeping (being a person of whom such an account is made) doth much impair my health. I will commit him to the Lollards' Tower as soon as it is ready, and will appoint a couple of keepers to keep him there." ³⁸⁴ Watts wrote again on September 4, that Storey had been in the Lollards' Tower since the Friday before. "He

³⁸³ Seymour & Marchant, *History and Survey of the Cities of London and Westminster*, (1754), Vol. I. p. 739.

³⁸⁴ R.O. Domestic, Elizabeth, Ixxiii. 30.

seemeth to take little thought for any matters, and is as perverse in mind concerning religion as heretofore he hath been; and plainly saith that what he did in Queen Mary's time he did it lawfully, because he was but a minister of the law; and if the like law were again he might do the like. I have appointed two of my neighbours, being honest men and favourers of the truth, to be his keepers jointly, and have divided the keys of the prison between them, so as the one cannot come at him without the other; and I have given them strait charge to keep him secret and safe, and not to suffer any to have conference with him.”³⁸⁵

Meanwhile, Storey was filled with supernatural joy. Though entirely taken by surprise at his capture, he soon divined what was in prospect for him, and earnestly gave thanks, who had brought him back again to the place of suffering, ardently praying that he might obtain the martyr's crown and palm.³⁸⁶

However, the Catholics were plunged into distress; the Spanish Ambassador, Don Guerau de Spes, wrote on September 3, 1570: “Dr Storey is at present very strictly imprisoned and is being examined. The man who betrayed him [Parker] is also under arrest, in order to make the people believe that he did not betray him. Many burlesque verses have been printed about the kidnapping of Storey.”³⁸⁷ Burghley did not desire public notice that Parker had anything to do with betraying Storey, and as for appearance sake, Parker was to be kept in prison and tried with Storey as an accomplice, under the pretence that both of them were entrapped and brought over as traitors; it was necessary to pay him very handsomely not to divulge the plot, and to submit quietly to his imprisonment in the Tower, to which both he and Storey were transferred in December.

Among the State Papers we find Sir Owen Hopton, the Lieutenant's charges for their maintenance there, each of them being charged 13s. 4d. a week for diet; 5s. for a keeper; 4s. on fuel and lights.³⁸⁸ Of the total sum they had already received, over £68, which was paid to them at Antwerp by one John Taylor, the spies still demanded £109. 35s. 2d; but Burghley was not disposed to give a penny more, though Mershe wrote many strenuous letters, urging that it were better to give way, for if the young men were made discontented the affair might acquire

³⁸⁵ R.O. Domestic, Elizabeth, Ixxxiii. 30.

³⁸⁶ Concertatio, f. 44.

³⁸⁷ Spanish Calendar, (1570), No. 216.

³⁸⁸ R.O. Domestic, Elizabeth, Ixxxiii. 46.

an awkward publicity. He hoped, however, that it would not be thought that he “allowed of their account, which be untrue and unreasonable, as by the notes in the margin may appear; but yet cannot remove them from it; they doubt by likelihood how they shall be considered [what reward they will get] and therefore would help themselves this way.” Mershe went on to plead for more money for himself,³⁸⁹ and we learn from this letter that Ramsden had a wife and children at Antwerp to whom he could not safely return, and that he and Bragge had refused a reward of £40 a piece offered them by Lee, Burghley’s spy, saying they would stand to the reward of the Privy Council.

Burghley, in one of his last replies (after the affair had gone on sometime and Storey was executed) suggested that if the young men were not satisfied, they might have Storey’s carcase among them to sell as relics. The spies at last invented a new tale, namely, that they had left £2,300 of debt behind them in the Low Countries which the Duke of Alva had confiscated; that the seizure of Storey had very much embittered both the King and himself against Elizabeth and her government. However, as Simpson the historian says, if there had been any truth in this story, we doubt whether they would have been a whole twelvemonth in finding it out as an argument for the payment of their bill, and we have still greater doubts whether they would have undertaken the affair with the almost certain prospect of losing everything they had in the Low Countries.

This event may end by giving one of their whining letters written to Burghley, dated June 1571, a few days after Storey’s death, because of the great light it throws upon the whole transaction. We do not know if they ever got their money, but probably they did not. As it was, they had already received considerably more than the traditional thirty pieces of silver.

To the Right Honourable my very good Lord
The Lord of Burghley

The cold answer, right honourable, which of late we received of Mr. Mershe to his motion, made as he saith, of our cause unto your Lordship, had wholly dismayed us, had not the right

³⁸⁹ Letter of September 14, 1570. R.O. Domestic, Elizabeth, Ixxiii. 64.

honourable Earl of Leicester sundry times declared unto us the contrary; and you yourself of your great goodness very lately confirmed the same, which yieldeth us indeed great hope that notwithstanding the said Mershe's discouragement, we are shortly to have some good end of that which so long we had sued for, wherein undoubtedly your great bounty shall so much the more appear and shine, as our present necessity doth urgently crave the same; and our hope is likewise the better assured, in that you have used, as of late we understand, so great liberality towards Parker, whose good hap in that behalf, as we do not in any wise malign, so doubt we not but our travail and losses, without whom he had never prevailed, will also be somewhat considered accordingly. Yet forasmuch as those, perhaps, to whom we had partly trusted, have not so effectually declared our cause as both by promise and in conscience they are bound to do, and to the intent (whatsoever report be made to the contrary) it may plainly appear to your Lordship, that of all prudence touching those affairs, ours hath been and still is the greatest, may it please your Lordship to understand the whole order how we came first to deal in this matter. The thing being pretended and planned by others long before, charge was committed unto one Pigotte to furnish a ship with men and mariners sufficient for the purpose. He proceeded therein so far, that the very place, time, and tide were appointed, where the Doctor [Storey] should be shipped with the whole train almost in all points as we now lastly used, for none other to that end could aptly have served. But in effect those matters were so slenderly handled, that when it came to the very point, all was dashed and like to be discovered. For beside that the men and mariners forsook the enterprise, and refused to deal anymore therein, certain of them let not to make exclamation at Parker's house, where Storey and all other rebels resorted; and not knowing that Parker was privy thereunto, warned him, as he said unto us himself, to take heed, for there were that pretended to carry him and another into England. Until the matter was brought into this exigent, we never dealt therein, nor once understood of any such pretence; and in this extremity did one John Lee, gentleman, break the news unto us, declaring how lewdly Pigotte had ordered the matters, greatly complaining the danger he stood in himself, being in fear their enterprise would be betrayed, that in very deed he once determined with the rest to have fled and absented themselves, for fear of the peril which was like to ensue; and so far discoursed upon the matter with us, that plainly we perceived him to be the principal dealer therein by order from hence, and the only man that by promises of great

rewards and other things had allured Parker to consent thereunto: craving instantly (for so much as he brought the matter so far) our aid and assistance in that distress towards the accomplishing of the rest; whereunto, although in heart we were very well inclined, yet could we not upon such a sudden be persuaded to hazard all that we had and our lives withal, until such time as, upon sight of certain letters which he showed us from Mr. Saltanstall and Mr. Mershe, wherein your Lordship was also mentioned, he showed in the end your Lordship's own letter for confirmation of the rest, without which indeed we had not so far endangered ourselves at that sudden. But perceiving thereby that our service should be great and very acceptable to the State, we judged no time to be omitted, nor any danger refused, which might further so good an enterprise. So that it was neither Lee, Saltanstall, or Mershe, but the credit of your Lordship's letters, my Lord, that moved us, all other things set apart, presently to employ ourselves that way, and without further deliberation to hazard our lives, and all that we ever had, rather than so good a piece of service should be overthrown.

It was a dangerous attempt, and very well handled of Lee, the winning of Parker to consent thereunto; for without him the Doctor [Storey] could never have been blinded in such sort as he was. But all the rest was our deed only, and no man's else, as we trust Lee hath long since writ unto your Lordship; and we have also his letters to testify the same, if need require, whereby it shall plainly appear, if Mr. Mershe have not likewise reported accordingly, that he hath greatly abused us. As for Parker, be it spoken under correction, my Lord, it was the opinion which Storey had of his simplicity, and not his own policy, that so deceived and allured him into those dangers; which thing Storey by this one point sufficiently declared, in that he thought him not able to deal in any matter touching his office without his presence to guide and direct him; and sure I am your Lordship doth well perceive him to be very incapable of any such affairs as these were. For our parts, more assistance than of a very child or infant we never had of him, and accordingly were forced from time to time to instruct him what he should say or do in every respect; and for his office, if your Lordship make account what he hath lost thereby, surely as it was his only substance, it is well known, although he bore the name, that it was a matter of trust, and that Storey notwithstanding would have reaped the greatest fruit thereof. For our parts, right honourable, besides that we lack a great part of our disbursed money, and the great charge which we have been at in following her Majesty's Court these ten months

continually, what we have lost and are likely to lose, if we should so amply declare as our cause requireth, your Lordship may think it very much; for over and above the £2,300 heretofore mentioned, our liberty and traffic in those places hath hitherto maintained the estate of mean merchants, whereof we are now wholly destitute. And for mine own part, those hopes which on behalf of my wife I am like to lose, I would not willingly have given for 1,000 Marks. Thus humbly beseeching your Lordship to weigh our cause with compassion, for that Mr. Mershe declaring unto us so heavy a message from you, the same is a double grief that your Lordship should wish us Dr. Storey's carcass among us, as Mr. Mershe saith, or otherwise to make some more reasonable suit. Wherein, my good Lord, as we have lost all that ever we had in doing this service, so, for that matter what we require tends to the Queen's Majesty's profit, and the Commonwealth, and is but a casualty to what it may be worth to countervail our damages before mentioned; yet we humbly content ourselves therewith, desirous no further to enjoy it than as the same be not prejudicial to the intercourse and good policy of the State. And now, if we be driven to change our suit again, as we were once before for the matter of leather, we must be driven withal to beg our bread, and so leave to trouble your Lordship any more. But behold your Lordship as our good patron, whose goodness it is to consider how extremely we be forced, whilst that we must trouble you with so many words. But we beseech you of pardon and some end, whatsoever it be. For these five months the Earl of Leicester hath promised us good dispatch; and so we be put off to our greater destruction, fed only with hopes, and lastly are further now from any relief at all. Praying God to move his heart, and to preserve your good Lordship in all felicity, your honour's orator.

Roger Ramsden

On December 13, 1570, Don Guerau wrote to the Spanish King: "Dr Storey has been lodged in the Tower and confronted with the man who brought him. He is accused of having plotted with the Duke of Alva. They are putting him to the torture today, and I expect it will go badly with him. God help him. All the Catholics pray for him."³⁹⁰ The execution was conducted with more atrocious cruelty than was usual even in those barbarous times. Burghley

³⁹⁰ Spanish Calendar, p. 28.

and Hunsdon, the Earl of Bedford, and another Earl, whom we may not uncharitably suppose to have been Leicester, came to gloat over the dying moments of the man they both hated and feared in Queen Mary's days and detested still. Dr. Fulke, a celebrated Protestant controversialist, and many others of the leading Puritans, were present as Storey was cut down the instant he was hanged, in order that he might have all his senses about him. He was then stripped, and as soon as the executioner began his function, "the modest martyr rose and gave him a box on the ear. He was however held down by three or four men while the rest of the cruel butchery was performed." Simpson writes.

The malice against Storey did not cease with his death; violent attacks were made on his memory. Everything which he did (or was said to have done) as a young man, which could in any way tell invidiously was brought up against him to blacken his character; the very cries he uttered at the time of his martyrdom, wrung from him by their own barbarity, were brought against him by way of reproach. The notorious Dr Fulke, the antagonist of Edmund Campion, wrote against Storey: "Such as were manifestly void of patience can be no true martyrs, as were most of those rebels and traitors; and Storey, by name, who for all his glorious tale, in the time of his deserved execution by quartering was so impatient, that he did not only cry and roar like a hell-hound, but also struck the executioner doing his office, and resisted as long as strength did serve him, being kept down by three or four men till he was dead; and he used no voice of prayer in all that time of his crying, as I heard of the very executioner himself, besides them that stood by, but only roared and cried, as one overcome with the sharpness of the pain; as no martyr, as the Papists did mightily boast of him." ³⁹¹

³⁹¹ Strype's *Annals*, (1571), Vol. II, p. 84.

C. Thomas Percy's Martyrdom

Thomas Percy was born in 1528, and was the eldest son of Sir Thomas Percy, brother and heir-presumptive to Henry Algernon, sixth Earl of Northumberland, who was childless. His mother, the Lady Eleanor, was daughter to Sir Guiscard Harbottal, who had fallen at Flodden Field in 1513, slain by the hand of the Scottish King himself.

The activity of the spies employed by Burghley on the Continent is proved by the quantity of letters which they found means of intercepting, and which are now calendared in the volumes published by the Master of the Rolls, together with the letters of the spies that sent them. It was through such a web of one of these spies, John Lee, who, by his pretended zeal for the Catholic Faith, and his feigned ardour in the cause of the Scottish Queen Mary, had contrived to worm himself into the confidence of the Countess of Northumberland and the other exiles, and we hear more of this rascal in the life of John Storey (previously given) that the ministers of Elizabeth received prompt and full information of each step taken by the unfortunate lady for her husband's liberation, Thomas Percy.

The shameful bargain for Percy's surrender was accordingly arranged on April 16, 1572, as is shown by a letter from the Queen herself to Lord Hunsdon (Governor of Berwick) in which she signifies her willingness to pay the £2,000 demanded. Its actual payment seems, however, only to have been extorted from her by the repeated assurances of Hunsdon that the Scots "would not deliver up the Earl without the money."³⁹²

As soon as Elizabeth heard that Percy had been actually surrendered, she wrote to Hunsdon, giving instructions with reference to his confinement, and enclosing a long list of questions, drawn up by Burghley, to which a written answer was to be required from him: "You may use speeches to terrify him with the extremity of punishment if he shall conceal anything. As you see cause, you may also comfort him with hope, so as it be not in our name, if he will utter the truth of every person. We like not any chargeable entertainment of him in his diet, considering him as a person attainted."³⁹³

³⁹² State Papers, Scotland, April 16, May 1, 2, and 7, 1572.

³⁹³ Domestic Calendar, Addenda, June 5, 1572.

On arriving at the place of execution, Percy took off his cloak, and mounted the steps cheerfully to the platform, where Palmer, the same Protestant minister who had visited him the night before, began to urge him to acknowledge his crime against the Queen in the presence of the assembled crowd. His brother, Sir Henry Percy, who succeeded him in the Earldom, was at this time a prisoner in the Tower, on a charge of conspiracy to free the Scottish Queen. His return to the faith seems to have dated from about this time, and he incurred in consequence the severe displeasure of Elizabeth.

After being long restricted as to his place of residence, and continually watched by spies, Percy was again thrown into the Tower, on no definite accusation; and at length was murdered there, in 1585 on account, as Catholics believed, of his religion.

Drake's *History of York* (1788)³⁹⁴ supplies the following particulars with reference to Percy's burial: "His head was set up on a high pole on Micklegate Bar, where it continued for two years, but was afterwards stolen from thence. The body was buried in Crux Church by two of his servants, where it now lies without any memorial." Since Drake wrote, the Church of Holy Crux, which stood at one end of the pavement, has been pulled down, and the site built over. This was done in 1887, through the influence of Archbishop Thompson, and in spite of the protests of Earl Percy (Duke of Northumberland) and of archaeologists in general, the exact traces of the tomb of Thomas Percy seem to be lost at present date.

³⁹⁴ Vol. I, p. 143.

D. Thomas Woodhouse's Martyrdom

The martyr Thomas Woodhouse had been ordained priest towards the end of Queen Mary's Reign. He was made Rector of a Lincolnshire parish, but had held it less than a year when the persecuting laws of Elizabeth obliged him to leave the place. He took refuge in 1560, in the house of a gentleman in Wales, and taught his sons, but was unable to remain there long.

It was the next year, that while at the altar saying Mass, Woodhouse was seized and thrown into prison. During the plague which raged in London in 1563, Tyrrel (warder of Fleet Prison) was allowed to remove all prisoners to his own house in Cambridgeshire. Woodhouse was among those prisoners.

In April 1573, Woodhouse was arraigned at the Guildhall. He denied the authority of the judges, saying: "They were not his judges, nor for his judges would he ever take them, being heretics and pretending authority from her that could not give it them." After Woodhouse's sentence was announced, he was not taken back to his old prison, but was committed to Newgate prison.

On the day of his execution, June 13, 1573, the sheriff cried out "away with him, executioner, strip him of his garments, put the rope about his neck and do it quickly." Woodhouse was cut down alive, so that "he went between two from the gallows to the fire, near which he was spoiled, and came perfectly to himself before the hangman began to bowel him; inasmuch as some have said he spoke when the hangman had his hand in his body seeking for his heart to pull it out."

Woodhouse is described as of middle stature, with rosy and fair face, the latter part of his chin adorned by a blackish beard, full eyes, a joyful expression, which he retained to the last, and a robust body.

APPENDIX G. BISHOPS OF THE DEVIL, AND VICARS OF HELL

Following is a list of “Bishops of the Devil, and Vicars of Hell!” as Martin Marprelate wrote. The Bishops of the past were no bed of roses. Only a few, as seen in their short biographies, were of any true purity.

Abbot George (1562–1633) Archbishop of Canterbury. He was educated at Guildford grammar school and Balliol College, Oxford. His servant was called Old Nightingale, “and weeps when he talks of him,” wrote Aubrey.

Alley William (1509–1570) Bishop of Exeter in 1560. He zealously condemned the practice of occult arts, and is noted to have said “that there be some penal, sharp, yea, capital pains for witches, charmers, sorcerers, enchanterers, and such like.”³⁹⁵

Andrews Lancelot. Dr (1555–1626) Bishop of Chichester in 1605; of Ely in 1609; of Winchester in 1619. He took part in the Hampton Court Conference, and his name stands first in the list of the authors of the Authorised Version of The King James Bible.

Aylmer John (1521–1594)³⁹⁶ Bishop of London in 1577. He acted on incarcerating the printers and staying the University press, though it had received the sanction of the Privy Council. “For this he has been severely censured, but in his letter to Burghley he declared that he had only done so temporarily from a cautious assurance that the privilege of the University should be well used both for lawful matter and good workmanship.”

Babington Gervase (1551–1610) Bishop of Llandaff in 1590; of Exeter in 1595; of Worcester in 1597. As a theologian he was much esteemed, and his works passed through several editions, the last being published in 1637.

³⁹⁵ Strype’s *Annals*, Vol. I, pp. 518–520.

³⁹⁶ Writing to Burghley in 1581 (Lansdowne MSS.) Aylmer mentions himself as being a sexagenarian. The main authority for this memoir, except where other authorities are given, is Strype’s *Life of Bishop Aylmer*.

Bancroft Richard (1544–1610) Bishop of London in 1597; Archbishop of Canterbury in 1604. He was certainly zealous and conscientious; but the wisdom of his ecclesiastical rule was hardly justified by its result.

Barlow William (*d.*1568) Bishop of St. David's in 1536; of Bath and Wells in 1549; of Chichester in 1559. He preached charity, but did not practice it: He evicted his tenants and treated them very uncharitably, contrary to his preaching. Barlow, when Bishop of St. David's, gave his estate to his godson, the Earl of Essex, in exchange for "rectorial tithes." At another time, he dragged the corpses of his predecessors from their tombs, for the sake of the leaden coffins they were enclosed in and pulled down the brass statues of ancient benefactors from the west front of the cathedral, which he sold to a London alderman.

Barnes Richard (1532–1587) Bishop of Nottingham in 1567; of Carlisle in 1570; of Durham in 1577. One Burbage, a layman, accused the bishop of dishonestly detaining his rents and fees. From Barnes's own letters, it would seem that bribery and corruption were among the many grave charges brought against him. He denied everything, as such men usually do, but public opinion was against him. One charge he could not deny, that his Chancellor was his brother, "a very vile man, unclean, and an extortioner." Barnes pledged ignorance of his brother's crimes, which was no excuse, since he both could have known, and should have known of his brother's actions.

Bellot Hugh (1542–1596) Bishop of Bangor in 1586; of Chester in 1595. One of his clergy, a Dr Prytherge, who had been presented by the Queen to the Rectory of Llanbeylan, in Anglesea, accused Bellot of selling the benefices in his gift.

Bentham Thomas (1513–1579) Bishop of Lichfield and Coventry in 1560. In his diocese parishioners do not seem to have been presented for non-attendance at the Sacrament, nor was Confirmation vigorously imposed on all children aged seven and above. The Romish priests also were let alone beyond a formal certificate of their numbers to the Privy Council, though they were very numerous and extremely arrogant. The recollection of the fires of Smithfield

and the cries of the martyred Protestants may have inspired Bentham with a lasting horror of religious persecution.

Bennet Robert (1547–1617) Bishop of Hereford in 1603. His government of the diocese was mainly characterized by crusades against the Romanists, hunting for and apprehending Jesuits and seminary priests.

Berkeley Gilbert (1501–1581)³⁹⁷ Bishop of Bath and Wells in 1560. The charge brought against him by some of his biographers of having relapsed into Romanism, is due to a passage from Strype, which in reality refers to the diocese as being “inclined to the Papal religion,” but which has been quoted as though referring to the bishop.

Best John (1511–1570) Bishop of Carlisle in 1561. He left a widow, “a poor blind woman,” and several children, but without any means for their support.

Bickley Thomas (1518–1596) Bishop of Chichester in 1586. Of his episcopate little or nothing is known, and we are left to infer its nature from his fitness for it, according to the testimony which Archbishop Parker gave, when in 1570 he recommended him for the See of Oxford.

Bilson Thomas (1547–1616) Bishop of Worcester in 1596; of Winchester in 1597. He was appointed to preach the sermon at King James’s coronation in 1603.

Blethin William (1539–1590) Bishop of Llandaff in 1575. He duly visited his diocese, certified recusants, searched for and seized Romish priests, which is all of any moment that can be recorded of him.

³⁹⁷ The *Athenæ Cantabrigienses* gives 1507 as date of his birth, but Strype says he died 1581, aged 80.

Bradbridge William (d.1578) Bishop of Exeter in 1571. In 1576, his old deanery of Sarum being vacant, he applied for it, being tired of his Bishopric. He did not obtain it, and died heavily in debt to the Queen.

Bullingham John (1532–1598) Bishop of Gloucester in 1581. On taking possession of his See, he found one William Sprint filling the office of collector of its revenues, and was forced by the Privy Council, but against his own wish, to continue him in the office. William Sprint turned out a rogue, for instead of paying the first fruits, tenths, and subsidies into the Royal Exchequer, he appropriated them to his own use, leaving his master responsible for the whole amount. Bullingham was deprived of Bristol, and reduced to starvation.

Bullingham Nicholas (1511–1576) Bishop of Lincoln in 1560; of Worcester in 1571. He died in debt, leaving a widow and seven children without any provision for their support, and a petition was presented to the Privy Council; we do not know the result of this petition. His debts were mostly due to taxation for “lance-money, first fruits, furnishing three Episcopal residences, and reparations and dilapidations, together with his great housekeeping, especially on the Queen’s visit in Wostershere.”³⁹⁸

Burton William (d.1613) Bishop of Lincoln Fellow of Trinity Hall, in Cambridge, afterwards Dean of Chester, and consecrated Bishop of Rochester in June 30, 1605; he was translated to the See of Lincoln in June 27, 1608.

Chaderton William (1540–1608) Bishop of Chester in 1579; of Lincoln in 1595. He died rich, but left his fortune to his only daughter, Joan, who had married Sir Richard Brooke (Knight), of Norton in Cheshire.

Cheyney Richard (1513–1579) Bishop of Gloucester in 1562. His life ended in poverty and troubles, for the collector of his rents embezzled them instead of paying the Queen the

³⁹⁸ Calendar State Papers, Elizabeth, Vol. xxxix. 14, p. 267.

subsidies and first fruits due to her. In 1576, Cheyney was suddenly called on to pay £500. He was unable to do so, and process was served on him from the Exchequer; all his property seized by the sheriffs.

Coldwell John (1531–1656) Bishop of Salisbury in 1591. Harington writes: “No bishop of Sarum since the Conquest died so notorious a beggar, his friends glad to bury him suddenly and secretly.” He was buried in the cathedral, thrust into the grave “of his predecessor (Wyvill) who had restored to the See the manor of Sherborne, of which Coldwell had deprived.”

Cooper Thomas (1519–1594) Bishop of Lincoln in 1571; of Winchester in 1584. Upon Martin Marprelate’s attack of the bishops, Cooper replied by publication, in 1589, in his *Admonition to the People of England*, a work which made him the object of Marprelate’s hatred, who attacked him with his venomous work: *Ha’ ye any Work for Cooper?*

Cotton Henry (1544–1615) Bishop of Salisbury in 1598. When the Queen made the two Cottons bishops, she observed that she had “well cottoned the West.”

Cotton William (1554–1621) Bishop of Exeter in 1598. He sold his dispensations for marriages to be solemnized in Lent and for eating flesh on fasting days, by which it is said he made considerable sums of money.

Cox Richard (1499–1581) Bishop of Ely in 1559. Worn out with years and troubles, Cox was at the close of his life anxious to resign his See on a suitable pension, and, after much deliberation, the arrangement was finally made.

Curteis Richard (1532–1582) Bishop of Chichester in 1570. He came to his Bishopric a poor man, but he left it poorer still, dying bankrupt and in debt to the Queen.

Curwen Hugh (1507–1568) Archbishop of Dublin in 1555; Bishop of Oxford in 1567. His position as Bishop of Oxford was not only scandalous, but wretched, for his income, according

to his own statement, was but “five hundreth mkes [*sic*] yearly.” This found himself without any income, and, as he put it, was left to starve in his old age.³⁹⁹

Davies Richard (1509–1581) Bishop of St. Asaph in 1560; of St. David’s in 1561. He is known to have reported two hundred people in his diocese for excommunication for their “vicious lives,” and that there would have been many more if the *de excommunicate capiendo* had been served by the Sheriff at the time.

Davies Thomas (1512–1573) Bishop of St. Asaph in 1561. Beyond his official capacity, there is nothing to record of his episcopate, except that he was accused of making scandalous leases of the rectories which he held *in commendam*.

Day William (1529–1596) Bishop of Winchester in 1596. His episcopate lasted but eight months, and was notable only for the part he took in illegally obeying the Queen’s mandate for the admission of Dr Cotton to the Wardenship of Winchester.

Dove Thomas (1555–1630) Bishop of Peterborough in 1601. In one of his most important episcopal functions, was the conferring of holy orders. He was extremely negligent, admitting to the ministry with little or no examination of their “fitness for the sacred office.”

Downham William (1519–1577) Bishop of Chester in 1561. All his income, as he said, went in “housekeeping,” and he was “glad to make even at the year’s end.” Finally, he was “out of debt” when he died.

Field Theophilus (1574–1636) Bishop of Llandaff in 1621. He was chaplain to King James and was charged with bribery in 1621.⁴⁰⁰

³⁹⁹ State Papers Elizabeth, Vol. xlvi. 39. Date, February 1567/8.

⁴⁰⁰ Calendar State Papers, Dom 1619–23, p. 238. See Appendix C. for more details.

Fletcher Richard (1544–1596) Bishop of Bristol in 1589; of Worcester in 1593; of London in 1595. He died in debt, not only to the Queen for first fruits, but also to various tradesmen.

Freake Edmund (1516–1591) Bishop of Rochester in 1572; of Norwich in 1575; of Worcester in 1584. His wife appears to have ruled the diocese, and the servants called her “Mrs. Busshopp,” and declared that if she wanted anything done, “my Lord must straightway do it.” Freake, in times of extreme depression at this treatment, confided his grief to his own servants, especially to one Mr. Absolon.

Godwin Francis (1561–1633) Bishop of Llandaff in 1601; of Hereford in 1617. Of his rule as a bishop not much is known, his time being so given to his studies that he had little to spare for work in his diocese; but if Bishop Gibson and Browne Willis are correct in what they have written of him, he was “a spoliator and a gross nepotistic.”

Godwin Thomas (1517–1590) Bishop of Bath and Wells in 1584. He ruled his diocese, where he did so at all, by deputy, and if he did no good he did no harm, for his “government was mild and none violent.”

Goldsborough Godfrey (1548–1604) Bishop of Gloucester in 1598. He seldom visited his diocese, though was buried in its cathedral grounds.

Grindal Edmund (1519–1583) Bishop of London in 1559; Archbishop of York in 1570; of Canterbury in 1576. He was friends with Gabriel Spenser (poet) who anagrammatically called him “gentle Algrind;” history has Grindal “that he could on occasion suggest the use of torture to open the lips of a Romish priest. Yet such was the case. For a poor cleric named Haverd (or Howard) who had celebrated Mass in a private house, was brought before Bishops Grindal and Cox to answer the charge, and, refusing to criminate himself by replying to interrogatories, they thus expressed their opinion to the Privy Council: ‘Some think that if this Priest harvered might be put to some kind of torment, and so driven to confess what he knoweth, he might gain

the Queen's Majestic a good mass of money by the masses that he hath said: But this we refer to your Lordship's wisdom and so commit the same to Almighty God." ⁴⁰¹

Guest Edmund (1517–1577) Bishop of Rochester in 1560; of Salisbury in 1571. He made his last Will & Testament on the day of his death, but he died poor, and was an exception to the majority of the bishops of his time in being unmarried. ⁴⁰²

Heton Martin (1553–1609) Bishop of Ely in 1600. Though deserving of censure for the compliances which gained and secured to him his Bishopric, yet in some other respects he was a worthy prelate enough, being both hospitable and kind.

Horne Robert (1514–1579) Bishop of Winchester in 1561. At his death, he left five daughters that were not provided for, as he was largely in debt to the Queen.

Howland Richard (1540–1600) Bishop of Peterborough in 1585. He kept a sharp eye on the vacancies in the Episcopal Bench. They were numerous, and comprised some of the choicest and peculiar of the Bishoprics.

Hughes William (1537–1600) Bishop of St. Asaph in 1573. His clergy squeezed dry the Visitations, not only by rigidly exacting the customary fees, but making them defray the cost of the diet of himself and his attendants. The sums paid for penances were not sent, as they ought to have been, to the parishes where the offences had been committed, but were retained by the officers of the bishop, and a large part of them doubtless found their way into his purse.

Hutton Matthew (1525–1606) Bishop of Durham in 1589; Archbishop of York in 1595. The story that his son (Luke) was executed for robbery, and how the Archbishop, with the obduracy of a Brutus, made no effort to save his life, must be regarded as apocryphal.

⁴⁰¹ Cecil MSS. Hatfield, September 3, 1563. Printed in Haynes's *State Papers*.

⁴⁰² Rev. F. O. White, *Lives of the Elizabethan Bishops*, (London, 1898), Skeffington & Son.

Jegon John (1550–1618) Bishop of Norwich in 1603. Though described as “very witty,” he was accused of covetousness and of want of liberality to the poor, and he certainly, out of his episcopal revenues, purchased large estates.

Jewel John (1522–1571) Bishop of Salisbury in 1560. After his death it was rumoured that in his last hours he had renounced Protestantism and professed a desire to be reconciled to the Church of Rome. It was further declared, that the devil came to him in the form of a large black cat, and that the dying prelate had much conversation with “the fiend.”⁴⁰³

Jones Hugh (1508–1574) Bishop of Llandaff in 1566. Though a poor man, he did what many richer prelates, both then and since, never did: He put his hand into his purse and, at his “own cost and charge,” procured suitable men to preach in his diocese.⁴⁰⁴

Kitchin Anthony (1477–1563) Bishop of Llandaff in 1545. We are told that he was “made of an idle abbot, and a busy bishop;” but history has recorded none of his activities, except what he displayed in the Marian burnings and the extensive spoliations of his See. He was in the commission for the trial of Bishop Hooper, and tried and sentenced Rawlins White, a fisherman of Cardiff, “an old, honest, poor man,” who had sent his son to school that he might read the Bible for him, an act for which the boy was burnt for in Cardiff on March 1555.⁴⁰⁵

Matthew Tobias (1544–1628) Bishop of Worcester in 1594; of Durham in 1595; Archbishop of York in 1606. In his disposition and manners he was kind and even humorous, though, in the opinion of some, “he unbent at his own table rather more than a grave bishop should do.”

May John (1528–1598) Bishop of Carlisle in 1577. His life was spent in poverty and debt.

⁴⁰³ Rev. F. O. White, *Lives of the Elizabethan Bishops*, (London, 1898), Skeffington & Son.

⁴⁰⁴ State Papers Elizabeth, Vol. LXVI, p. 29. Letter dated January 26, 1569.

⁴⁰⁵ Burnet's *History of the Reformation*, (Ed. Pocock) Vol. II, p. 494.

Meyrick Rowland (1505–1566) Bishop of Bangor in 1559. He was married and had a son, Sir Gelly Merick, who was executed for assisting the Earl of Essex in his rebellion.

Middleton Marmaduke (d.1593) Bishop of Waterford in 1579; of St. David's in 1582. He had been committed to the Cambridge gaol, where he was imprisoned by order of the Vice Chancellor for adultery, and afterwards ignominiously expelled from the town.

Morgan William (1547–1604) Bishop of Llandaff in 1595; of St. Asaph in 1601. He died poor, all the money found in his purse after his death being but four shillings and eight pence, and all his goods and chattels were seized by the crown.

Osorii Lusitani (d.1580) Osorius, Bishop of Sylves in Algarve. One of his principal works is his *De rebus gestis Emanuelis* (1574) in twelve books. It contains an account of the Portuguese discoveries and conquests, which took place in the Reign of Emanuel the Great (1495–1521).

Overton William (1526–1609) Bishop of Lichfield and Coventry in 1580. His extraordinary ignorance exposed him to the sarcasm of Martin Marprelate, who couples him with his brother prelate Bullingham as “a brace of dunces.”

Parkhurst John (1511–1575) Bishop of Norwich in 1560. At the close of his life he was placed in embarrassment through the roguery of his receiver, one Thymelthorp, who had collected from the clergy the subsidies due to the Queen, but had embezzled them, leaving the bishop to defray the deficiency of two years' payment.

Parker Matthew (1504–1576) Archbishop of Canterbury in 1559. An eminent prelate of the English Protestant Church and was a native of the city of Norwich, educated in the Corpus Christi College in Cambridge. When Anne Boleyn became Queen she made Parker her private chaplain. He continued to receive royal patronage throughout Edward's Reign as well, and supported Lord Warwick in his campaign against Queen Mary of England. The latter stripped Parker of his privileges when she came to the throne, but spared his life.

Parry Henry (d.1616) Bishop of Gloucester in 1607. He was made chaplain to Elizabeth and Dean of Chester in 1605. Later he was translated to the See of Worcester in 1610.

Piers John (1523–1594) Bishop of Rochester in 1576; of Salisbury in 1577; of York in 1589. He used to drink, in excess, in various ale-houses, but a priest, to whom he confessed previous to receiving the Sacrament, set before him his sin and the sacrilege of a drunkard celebrating the Communion, which from that time onward, we are told he became a total abstainer, and never drank wine again even when recommended to do so by his physician.

Pilkington James (1520–1576) Bishop of Durham in 1561. His fame rests chiefly on his literary merits, the evidence of which is given in his collected works, which have been published by the Parker Society.

Redman William (1540–1602) Bishop of Norwich in 1595. Of his conduct as a bishop we have no information, but, as Whitgift was his patron, we may be sure that it was vigorous both against Puritan and recusant. A contemporary has sketched his character as being “one of the wisest of his coat.”⁴⁰⁶

Robinson Henry (1553–1616) Bishop of Carlisle in 1598. He seems to have lived in a chronic condition of poverty, and coming to London to attend the last parliament of Elizabeth, found himself without a suitable robe; being unable to borrow one, and too poor to buy one, he requested Cecil to apologize to the Queen for his absence.⁴⁰⁷

Robinson Nicholas (1528–1585) Bishop of Bangor in 1566. Among his duties, was to examine rebels, to be on the commission of assize for the trial of criminals, and to see to the equipment and dispatch of horse soldiers. But all this multifariousness did not make him neglect his office, and so zealous was he against the Roman Catholics in his diocese, that at the

⁴⁰⁶ Calendar State Papers, Vol. cclxxxv. 32, p. 249: Carleton to Chamberlain (1602).

⁴⁰⁷ Cecil MSS. Hatfield. October 30, 1602.

end of eleven years he reported that there were no recusants at all in it, and only one priest, “an old and very poor man.”

Rowlands Henry (1551–1616) Bishop of Bangor in 1598. He was a benefactor to Jesus College, Oxford, and left money for the erection of a school at his native place.

Rudd Anthony (1547–1615) Bishop of St. David’s in 1594. Fuller records that “he wrought much on the Welsh by his wisdom, and won their affections;” an exceptional circumstance for a bishop in that country and time.

Sandys Edwin (1516–1588) Bishop of Worcester in 1559; of London in 1570; of York in 1577. He pulled down a manor house at Northwick belonging to the See, selling the materials and pocketing the proceeds, and destroyed “a fair Chappell” in his palace at Worcester for the same purpose. When about to leave the diocese he partly dismantled the episcopal residences at Hartlebury and Worcester, tearing planks from floors, stripping lead from roofs, and even taking away forms, stools, and cupboards, which he sold to his agent, one Mr. Abington.⁴⁰⁸

Sanford John (d.1629) A native of Somersetshire, educated at Baliol College, in Oxford, where he was entered about the time of the Act in 1581, and was made one of the chaplains of Magdalen College. Having contracted a friendship with John Digby, afterwards Earl of Bristol, who was commoner of that College, he travelled with him into France, Spain, and Italy, and was made his chaplain, when Digby was sent Ambassador to Spain. At his return he became domestic chaplain to Archbishop Abbot, who gave him a prebend of Canterbury, and the rectory of Ivy Church.

Scambler Edmund (1517–1594) Bishop of Peterborough in 1560; of Norwich in 1584. His episcopate at Norwich was tarnished by the trial and condemnation of Francis Kett, formerly Fellow of Corpus College, Cambridge, who for his opinions about Christ’s Atonement and the

⁴⁰⁸ State Papers Elizabeth, Vol. cxi. 26.

Divinity of the Holy Ghost was in 1588 cited into the Bishop's Spiritual Court, where he was convicted and sentenced. The trial concluded, that Bishop Scambler wrote to Burghley pressing for immediate confirmation and execution of the sentence. His request was granted, and three months afterwards the unfortunate cleric was burnt at Norwich. Francis Kett was a Fellow of Christopher Marlowe's education years who was burnt for heresy at Norwich in 1589. The scholar Edmund Malone puts down a theory that Marlowe derived from Kett the advanced views on religion, which he subsequently developed; yet Malone does not justify by the extant details of the "blasphemous heresies" for which Kett suffered.

Scory John (d.1585) Bishop of Rochester in 1550; of Chichester in 1552; of Hereford in 1559. The accession of Queen Mary terminated his episcopate, when, to save himself from the stake, he renounced Protestantism together with his wife. Mary dead and Elizabeth on the throne, Scory returned to England, full of zeal against the Romanists, which he vented in a sermon he preached before the Queen on February 12, 1559, in which, as a Roman Catholic gentleman who was present wrote to the Mantuan Ambassador at Brussels: "He said so much evil of the Pope, of the bishops, of the prelates, of the regulars, of the church, of the Mass," and of the Romish faith generally, that he was "scandalized," promising never to go there again.⁴⁰⁹

Still John (1545–1608) Bishop of Bath and Wells in 1593. He was a "person deeply principled in Presbyterian tenets."

Tomson Giles (d.1612) Bishop of Gloucester in 1611. He installed Dean of Windsor on March 2, 1602.

Underhill John (1544–1592) Bishop of Oxford in 1589. He died, says Harrington, in "much discontent and poverty."

⁴⁰⁹ Calendar State Papers, Venetian Series (1558/9) February 13.

Vaughan Richard (1551–1607) Bishop of Bangor in 1596; of Chester in 1597; of London in 1604. He has been characterized with “a humorous spirit and withal facetious,” with commonsense enough to laugh at the superstitions of the age, as the supposed gift of healing by the “Royal Touch.”

Watson Anthony (1550–1605) Bishop of Chichester in 1596. As almoner he was the Queen’s spiritual adviser, and in that capacity composed a prayer for her use at the time of her illness.

Watson John (1521–1584) Bishop of Winchester in 1580. All writers agree as to his kindness and charity.

Westphaling Harbert (1534–1602) ⁴¹⁰ Bishop of Hereford in 1586. He was extremely charitable in his lifetime, and also bequeathed an estate in Herefordshire to Jesus College, Oxford, for two Fellows and two scholars.

Whitgift John (1530–1604) Bishop of Worcester in 1577; Archbishop of Canterbury in 1583. Whitgift was of “middle stature, strong and well shaped, of a grave countenance and brown complexion, black hair and eyes, his beard neither long nor thick,” is how one of his biographers (Paule) describes him. Another noted author, Macaulay ⁴¹¹ in his famous article against Francis Bacon written in 1837, writes: “Whitgift was narrow-minded, mean, a tyrannical priest, who gained power by servility and adulation, and employed it in persecuting both those who agreed with Calvin about church government, and those who differed from Calvin touching the doctrine of reprobation.”

Wickham William (1539–1595) Bishop of Lincoln in 1584; of Winchester in 1595. Fuller describes him as one who was “equal to any of his order in piety and painfulness, superior to all in patience.”

⁴¹⁰ His portrait, which has been engraved, bears the inscription, “1601, Ætatis suæ 67.”

⁴¹¹ (b.1800–d.1859)

Wolton John (1507–1593) Bishop of Exeter in 1579. His behaviour to his refractory ministers corresponded with his garb, and he went up and down his diocese suspending, depriving, and even imprisoning the offenders.

Young John (1534–1605) Bishop of Rochester in 1578. He had been censured as being too lavish in his expenses, yet it must be remembered that the Queen expected her bishops to be hospitable to her when she visited their dwellings.

Young Thomas (1507–1568) Bishop of St. David's in 1560; Archbishop of York in 1561. He robbed the cathedral of St. David's of its valuables, and he imitated that conduct by stripping the lead from the roof of the hall of the archiepiscopal house at York, worth £1,000 which he handed over to a great nobleman to whom he was under considerable obligations.

APPENDIX H. MARLOWE SUPPLEMENT

The Enrolment of the Pardon

To one Ingram ffrisar

June 28, 1593⁴¹²

And so that the said Ingram killed and slew Christopher Morley aforesaid at Detford Strand aforesaid in our said County of Kent within the verge in the room aforesaid within the verge in the manner and form aforesaid in the defense and saving of his own life, against our peace our crown and dignity. As more fully appears by the tenor of the Record of the Inquisition aforesaid which we caused to come before us in our Chancery by virtue of our writ.

We therefore moved by piety have pardoned the same Ingram ffrisar the breach of our peace which pertains to us against the said Ingram for the death above mentioned and grant to him our firm peace provided nevertheless that the right remain in our Court if anyone should wish to complain of him concerning the death above mentioned.

In testimony and Witness the Queen at Kewe on the 28th day of June.

Precisely one year later to the date this pardon was offered, an explanatory of the pardon is recorded to have been issued on the Queen's recommendation.

Ingram Frizer's Pardon

June 28, 1594

From the Queen to all her Officers and Loyal Subjects

By means of a certain Inquisition indented taken at Deptford Strand in our County of Kent within the verge on the first day of last June aforesaid in the presence of William Danby, Gentleman, Coroner of the household of our household, upon view of the body of Christopher Morley, there lying dead and slain, upon oath of Nicholas Draper, Gentleman, Wolstan

⁴¹² Index and Calendar of the Patent Rolls for 35 Elizabeth.

Randall, Gentleman, William Curry, Adrian Walker, John Barber, Robert Baldwin, Giles ffeld, George Halfepenny, Henry Awger, James Batt, Henry Bendin, Thomas Batt senior, John Baldwyn, Alexander Burrage, Edmund Goodcheepe, and Henry Dabyns.

Who said upon oath that Ingram ffrysar, late of London, Gentleman, and the aforesaid Christopher Morley, and Nicholas Skeres, late of London, Gentleman, and Robert Poley of London aforesaid, Gentleman, on the thirtieth of May last aforesaid, at the aforesaid Detford Strand in our aforesaid County of Kent within the verge about the tenth hour before noon of the same day met together in a room in the house of a certain Eleanor Bull, widow. And there passed the time together and dined and after dinner were in quiet sort together and walked in the garden belonging to the said house until the sixth hour after noon of the same day and then returned from the said garden to the room aforesaid and there together and in company supped. And after supper the said Ingram and Christopher Morley were in speech and uttered one to the other divers malicious words for the reason that they could not be at one nor agree about the payment of the sum of pence, that is, *le Reckoninge*, there; and the said Christopher Morley then lying upon a bed in the room where they supped, and moved with anger against the said Ingram ffrysar upon the words aforesaid spoken between them, and the said Ingram then and there sitting in the room aforesaid with his back towards the bed where the said Christopher Morley was then lying, sitting near the bed, that is, *nere the Bedd*, and with the front part of his body towards the table and the aforesaid Nicholas Skeres and Robert Poley sitting on either side of the said Ingram in such a manner that the same Ingram ffrysar in no wise could take flight. It so befell that the said Christopher Morley on a sudden and of his malice towards the said Ingram aforethought, then and there maliciously drew the dagger of the said Ingram which was at his back, and with the same dagger the said Christopher Morley then and there maliciously gave the aforesaid Ingram two wounds on his head of the length of two inches and of the depth of a quarter of an inch; whereupon the said Ingram, in fear of being slain, and sitting in the manner aforesaid between the said Nicholas Skeres and Robert Poley so that he could not in any wise get away, in his own defence and for the saving of his life, then and there struggled with the said Christopher Morley to get back from him his dagger aforesaid. In which affray the same Ingram could not get away from the said Christopher Morley; and so it befell in that affray that the said Ingram, in defence of his life, with the dagger aforesaid to

the value of twelve pence, gave the said Christopher then and there a mortal wound over his right eye of the depth of two inches and of the width of one inch; of which mortal wound the aforesaid Christopher Morley then and there instantly died.

And so that the said Ingram killed and slew Christopher Morley aforesaid on the thirtieth day of last May aforesaid at Detford Strande aforesaid in our said County of Kent within the verge in the room aforesaid within the verge in the manner and form aforesaid in the defence and saving of his own life against our peace our crown and dignity.

As more fully appears by the tenor of the Record of the Inquisition aforesaid which we caused to come before us in our Chancery by virtue of our writ. We therefore moved by piety have pardoned the same Ingram ffrisar the breach of our peace which pertains to us against the said Ingram for the death above mentioned and grant to him our firm peace. Provided nevertheless that the right remain in our Court if anyone should wish to complain of him concerning the death above mentioned.

In testimony and witness the Queen at Kewe on the 28th day of June.

Chancery proceeding on Marlowe's assassination

Calendar of the Miscellany of the Chancery

June 15, 1593

Elizabeth by the grace of God of England, France and Ireland, Queen Defender of the Faith and to our well beloved William Danby, Gentleman, Coroner of our household, greeting.

Wishing for certain causes to be certified upon an indictment made in your presence concerning the death of Christopher Morley, upon view of the body of the same Christopher, at Detforde Strande in our County of Kent within the verge lying dead and slain, whence a certain Ingram ffrysar, late of London, Gentleman, is indicted (as by the record thence remaining with you it fully appears) and whether the same Ingram slew the aforesaid Christopher in self-defense, and not feloniously or of malice aforethought, so that in no otherwise could he avoid his own death, or not.

We command you to send the tenor of the indictment aforesaid with everything touching it and whatsoever names, the parties aforesaid in that indictment are known by, to us in our Chancery

under your seal distinctly and openly without delay, and with this writ. Witness myself at Westminster on the 15th day of June in the year of our Reign the thirty-fifth.

Powle.

[*Endorsed*] The tenor of the record mentioned in this writ appears in a certain inquisition annexed to this writ. Return of William Danby, Coroner of the household, to our Lady the Queen.

Inquisition

Marlowe's Assassination

Returned by William Danby Coroner of the Household Kent

Inquisition indented taken at Detford Strand in the aforesaid County of Kent within the verge on the first day of June in the year of the Reign of Elizabeth by the grace of God of England, France and Ireland, Queen defender of the faith and thirty-fifth, in the presence of William Danby, Gentleman, Coroner of the household of our said Lady the Queen, upon view of the body of Christopher Morley, there lying dead and slain, upon oath of Nicholas Draper, Gentleman, Wolstan Randall, Gentleman, William Curry, Adrian Walker, John Barber, Robert Baldwyn, Giles Field, George Halfepenny, Henry Awger, James Batt, Henry Bendyn, Thomas Batt senior, John Baldwyn, Alexander Burrage, Edmund Goodcheepe, and Henry Dabyns. Who say [upon] their oath that when a certain Ingram ffrysar, late of London, Gentleman, and the aforesaid Christopher Morley and one Nicholas Skeres, late of London, Gentleman, and Robert Poley of London aforesaid, Gentleman, on the thirtieth day of May in the thirty-fifth year above named, at Detford Strand aforesaid in the said County of Kent within the verge, about the tenth hour before noon of the same day, met together in a room in the house of a certain Eleanor Bull, widow. And there passed the time together and dined and after dinner were in quiet sort together there and walked in the garden belonging to the said house until the sixth hour after noon of the same day and then returned from the said garden to the room aforesaid and there together and in company supped, and after supper the said Ingram and Christopher Morley were in speech and uttered one to the other divers malicious words for the reason that they could not be at one nor agree about the payment of the sum of pence, that is, *le*

recknynge, [the reckoning,] there, and the said Christopher Morley then lying upon a bed in the room where they supped, and moved with anger against the said Ingram ffrysar upon the words as aforesaid spoken between them, and the said Ingrain then and there sitting in the room aforesaid with his back towards the bed where the said Christopher Morley was then lying, sitting near the bed, that is, near the bed, and with the front part of his body towards the table and the aforesaid Nicholas Skeres and Robert Poley sitting on either side of the said Ingram in such a manner, that the same Ingram ffrysar in no wise could take flight.

It so befell that the said Christopher Morley on a sudden and of his malice towards the said Ingram aforethought, then and there maliciously drew the dagger of the said Ingram which was at his back, and with the same dagger the said Christopher Morley then and there maliciously gave the aforesaid Ingram two wounds on his head of the length of two inches and of the depth of a quarter of an inch; whereupon the said Ingram, in fear of being slain, and sitting in the manner aforesaid between the said Nicholas Skeres and Robert Poley so that he could not in any wise get away, in his own defense and for the saving of his life, then and there struggled with the said Christopher Morley to get back from him his dagger aforesaid; in which affray the same Ingram could not get away from the said Christopher Morley; and so it befell in that affray that the said Ingram, in defense of his life, with the dagger aforesaid of the value of 12*d.* gave the said Christopher then and there a mortal wound over his right eye of the depth of two inches and of the width of one inch; of which mortal wound the aforesaid Christopher Morley then and there instantly died.

And so the Jurors aforesaid say upon their oath that the said Ingram killed and slew Christopher Morley aforesaid on the thirtieth day of May in the thirty-fifth year named above at Detford Strand aforesaid within the verge in the room aforesaid within the verge in the manner and form aforesaid in the defense and saving of his own life, against the peace of our said Lady the Queen, her now Crown and dignity; and further the said Jurors say upon their oath that the said Ingram after the slaying aforesaid perpetrated and done by him in the manner and form aforesaid neither fled nor withdrew himself; but what goods or chattels, lands or tenements the said Ingram had at the time of the slaying aforesaid, done and perpetrated by him in the manner and form aforesaid, the said Jurors are totally ignorant.

In witness of which thing the said Coroner as well as the Jurors aforesaid to this Inquisition have interchangeably set their seals. Given the day and year above named &c.

By William Danby

Coroner.

Upon Marlowe's death, the register of the parish church of St. Nicholas, Deptford, where he is buried, has an entry, which is ordinarily transcribed: "Christopher Marlow, slain by ffrancis Archer 1 June 1593." ⁴¹³ An irregularity in the name of the slayer can be noticed; Vaughan had named him as one Ingram, whereas from the burial Register, Jones (Minister) read ffrancis Archer. Alexander Dyce, in his edition of *Marlowe* (1850 and 1858), adopted the Archer reading, and he has been followed by the great majority of writers until Halliwell-Phillipps (scholar) on examining the entry for himself, read the surname of the assailant as Frezer, which in today's spelling would be Fraser. ⁴¹⁴

⁴¹³ The double small letter 'f' was used in old writings to express the capital of that letter.

⁴¹⁴ Dictionary of National Biography.

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